



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

---

the Handbook

# **Chapter 7**

# **Absentee Voting**

July 2022

<b>7. ABSENTEE VOTING.....</b>	<b>4</b>
<b>7.1 CHAPTER ORGANIZATION.....</b>	<b>4</b>
<b>7.2 IN GENERAL.....</b>	<b>5</b>
7.2.1 WHO IS ENTITLED TO VOTE BY ABSENTEE BALLOT.....	5
7.2.2 SHARED RESPONSIBILITIES .....	5
7.2.3 THE 45 DAY ABSENTEE DEADLINE.....	6
7.2.4 REQUIRED TO SEND ABSENTEE BALLOT WITHIN 3 DAYS OF RECEIVING COMPLETE APPLICATION ...	6
7.2.5 ABSENTEE VOTING LOCATIONS MUST STILL FOLLOW POLLING PLACE RULES .....	6
<b>7.3 ABSENTEE DEADLINES .....</b>	<b>7</b>
<b>7.4 ABSENTEE BALLOT RECORDS .....</b>	<b>9</b>
7.4.1 COPIES REQUESTED FOR INSPECTION .....	9
7.4.2 ABSENTEE BALLOT APPLICATION CHAIN-OF-CUSTODY .....	9
<b>7.5 SPECIAL BALLOTS... ..</b>	<b>9</b>
7.5.1 FEDERAL-ONLY ABSENTEE BALLOTS.....	10
7.5.2 PRESIDENTIAL-ONLY ABSENTEE BALLOT .....	11
7.5.3 FEDERAL WRITE-IN ABSENTEE BALLOTS (FWAB) .....	11
<b>PART ONE: PRE-ELECTION DAY ABSENTEE VOTING .....</b>	<b>13</b>
<b>7.6 ABSENTEE BALLOT READINESS.....</b>	<b>13</b>
7.6.1 WHEN AND HOW TO ORDER PRINTED BALLOTS.....	13
7.6.2 THIRD PARTY MAILING AND ASSEMBLING OF PRINTED BALLOTS.....	13
7.6.3 START ABSENTEE VOTING WHEN BALLOTS RECEIVED FROM PRINTER .....	14
7.6.4 THE 45 DAY ABSENTEE BALLOT DEADLINE.....	14
7.6.5 CERTIFY BALLOT READINESS TO ELECT .....	15
<b>7.7 APPLICATIONS TO VOTE ABSENTEE BY MAIL.....</b>	<b>15</b>
7.7.1 VIRGINIA VOTE BY MAIL APPLICATION FORM (SBE 701/703.1).....	15
7.7.2 FEDERAL POST CARD APPLICATION (FPCA, STANDARD FORM 76).....	23
7.7.3 FEDERAL WRITE-IN ABSENTEE BALLOTS (FWAB) .....	29
7.7.4 PERMANENT ABSENTEE VOTING WITH THE VOTE BY MAIL APPLICATION FORM (SBE 701/703.1) ...	36
7.7.5 EMERGENCY ABSENTEE BALLOT APPLICATION (ELECT-705; ON GREEN PAPER) .....	38
7.7.6 EMERGENCY ABSENTEE BALLOT APPLICATION (EMERGENCY TRAVEL FOR BUSINESS, HOSPITALIZATION OR DEATH IN IMMEDIATE FAMILY AND LATE ASSIGNMENT OF ELECTION OFFICER ELECT- 705.1; BUFF/CREAM PAPER) .....	41
7.7.7 MAILING ABSENTEE BALLOTS .....	41
7.7.8 EMAILING OR FAXING THE BALLOTS .....	44
7.7.9 DROP-OFF LOCATIONS.....	44
<b>7.8 VOTING ABSENTEE IN-PERSON / EARLY VOTING.....</b>	<b>49</b>
7.8.1 IN GENERAL.....	49
7.8.2 NO APPLICATION IS REQUIRED FOR VOTING IN-PERSON.....	50
7.8.3 VOTING MACHINES USED FOR ABSENTEE VOTING .....	51
7.8.4 VOTER LISTED AS AN ABSENTEE VOTER COMES TO VOTE IN PERSON.....	52
<b>7.9 CHANGE OF ADDRESS ISSUES FOR IN-PERSON VOTERS.....</b>	<b>53</b>



7.9.1	IN GENERAL.....	53
7.9.2	THE VOTER HAS MOVED TO A NEW ADDRESS WITHIN YOUR LOCALITY .....	54
7.9.3	THE VOTER HAS MOVED TO A NEW ADDRESS WITHIN YOUR LOCALITY BUT IS REGISTERED IN ANOTHER VIRGINIA LOCALITY.....	55
7.9.4	THE VOTER HAS MOVED TO A NEW ADDRESS IN ANOTHER STATE.....	55
7.9.5	THE VOTER HAS MOVED TO YOUR LOCALITY, BUT VERIS FLAGS A WARNING THAT THE VOTER HAS BEEN ISSUED A BALLOT FROM HIS OLD LOCALITY .....	55
<b>PART TWO: UNIFORMED, OVERSEAS CITIZEN VOTERS.....</b>		<b>57</b>
<b>7.10</b>	<b>VOTERS FLAGGED IN VERIS – UOCAVA .....</b>	<b>57</b>
7.10.1	IN GENERAL .....	57
7.10.2	UOCAVA VOTER COMES TO VOTE ABSENTEE IN PERSON BEFORE BOOKS CLOSE .....	57
7.10.3	UOCAVA VOTER COMES TO VOTE ABSENTEE IN PERSON AFTER BOOKS CLOSE.....	59
<b>7.11</b>	<b>UOCAVA VOTERS’ LATE VOTER REGISTRATION (AFTER BOOKS CLOSE).....</b>	<b>59</b>
7.11.1	ELIGIBILITY.....	60
7.11.2	DATE OF REGISTRATION.....	61
<b>PART THREE: ELECTION DAY .....</b>		<b>61</b>
<b>7.12</b>	<b>VOTER NEEDS ASSISTANCE AT CENTRAL ABSENTEE PRECINCT .....</b>	<b>61</b>
<b>7.13</b>	<b>CURBSIDE VOTING ON ELECTION DAY AT THE CAP.....</b>	<b>62</b>
7.13.1	VOTING ON PAPER.....	62
<b>PART FOUR: PROCESSING ABSENTEE BALLOTS .....</b>		<b>64</b>
<b>7.14</b>	<b>RECEIPT OF MAILED VOTED BALLOTS .....</b>	<b>64</b>
7.14.1	IN GENERAL.....	64
7.14.2	RECEIPT OF THE BALLOT – MARKED OR UNMARKED.....	64
7.14.3	ABSENTEE BALLOT CURE PROCESS.....	65
7.14.4	WITNESS SIGNATURE REQUIREMENT.....	66
7.14.5	UOCAVA VOTERS WITH ONGOING BALLOTS .....	66
<b>7.15</b>	<b>ISSUING REPLACEMENT BALLOTS .....</b>	<b>67</b>
7.15.1	BALLOT NOT RECEIVED OR LOST (STATEMENT OF VOTER FORM (ELECT-708)).....	67
7.15.2	BALLOT NOT RECEIVED OR LOST BY DISABLED, ILL, OR PREGNANT VOTER DESIGNATED REPRESENTATIVE (STATEMENT OF DISABLED, ILL, OR PREGNANT VOTER FORM (ELECT-703.2(1)).....	68
<b>7.16</b>	<b>PROCESSING BALLOTS BEFORE ELECTION DAY – EXPEDITED PROCEDURES.....</b>	<b>70</b>
7.16.1	IN GENERAL.....	70
7.16.2	PREPROCESSING REQUIREMENTS .....	70
7.16.3	ADMINISTRATIVE STEPS .....	70
<b>7.17</b>	<b>BALLOTS RETURNED AFTER POLLS HAVE CLOSED .....</b>	<b>71</b>
7.17.1	QUALIFICATIONS FOR COUNTING.....	71
<b>7.18</b>	<b>UOCAVA BALLOTS RETURNED AFTER THE POLLS CLOSE.....</b>	<b>72</b>
7.18.1	QUALIFICATIONS FOR COUNTING.....	72



7.18.2 ACTIONS TO BE TAKEN .....72  
 7.18.3 PROCEDURE FOR COUNTING LATE UOCAVA BALLOTS .....72

Appendix A: Absentee Ballot Charts  
 Appendix B: Frequently Asked Absentee Questions

## 7. Absentee Voting

<p><b>APPLICATIONS AND FORMS</b></p> <p><a href="#">Virginia Vote by Mail Application Form (SBE-701/703.1)</a>  <a href="#">Virginia Permanent Absentee Voter Single Election Change (SBE-703.1C)</a>  <a href="#">Federal Post Card Application (FPCA)</a>  <a href="#">Federal Write-In Absentee Ballot (FWAB)</a>  <a href="#">Emergency Absentee Ballot Application (ELECT-705)</a>  <a href="#">Request for a Replacement Absentee Ballot (Certain Disabled or Ill Voters) (SBE-703.2(1))</a></p> <p><b>ENVELOPES</b></p> <p><a href="#">Absentee Envelope A (VA-VBM-Envelope-A)</a>  <a href="#">Absentee Envelope B (VA-VBM-Envelope-B)</a></p> <p><b>INSTRUCTIONS</b></p> <p><a href="#">Absentee Voting Instructions (ELECT-706.4)</a>  <a href="#">UOCAVA Mail Instructions (ELECT-706.4)</a>  <a href="#">UOCAVA Email Instructions (ELECT-706.4)</a>  <a href="#">Instructions for Voting an Emergency Absentee Ballot (ELECT-705)</a>  <a href="#">Instructions for Voting a Replacement Absentee Ballot (SBE-703.2)</a></p> <p><b>ADDITIONAL RESOURCES</b></p> <p><a href="#">HAVA Notice to Absentee Voters (ELECT HAVA-1)</a>  <a href="#">Statement of Designated Representative of Voter with a Disability, Illness, or Pregnancy (ELECT 703.2(2))</a>  <a href="#">Statement of Voter: AB Ballot Not Received or Lost (SBE-708)</a>  <a href="#">Virginia Request for Assistance with Voting an Absentee Ballot (ELECT-704(AB))</a></p>	<p><b>REFERENCE</b></p> <p><a href="#">ELECT Absentee and Early Voting Webpage</a>  <a href="#">ELECT Military &amp; Overseas Webpage</a>  <a href="#">ELECT Accessible Voting Webpage</a>  <a href="#">FVAP Virginia Voting Assistance Guide</a>  <a href="#">Code of Virginia Title 24.2 Chapter 4.1: Uniform Military and Overseas Voters Act</a>  <a href="#">Code of Virginia Title 24.2 Chapter 7: Absentee Voting Forms Warehouse: Absentee</a>  <a href="#">OAG Official Opinion Wurtzer 21.040</a></p> <p><b>REGULATIONS</b></p> <p><a href="#">1VAC20-45. Absent Military and Overseas Voters</a>  <a href="#">1VAC20-70. Absentee Voting</a></p>
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### 7.1 CHAPTER ORGANIZATION

This chapter serves as a guide to help registrars and electoral boards perform their responsibilities for absentee voting in accordance with the Code of Virginia, the Virginia Administrative Code, and the State Board of Elections’ policies. This chapter follows the sequence of absentee ballot



processes during an election cycle, and explains steps and preparations both general registrars and local electoral boards must take to facilitate absentee voting.

This chapter begins with guidance for administering a locality's absentee program. §7.2 provides general information on absentee voting, highlights the 45 day deadline, and the 3 days within receipt deadline. §7.3 provides a list of important absentee deadlines at a high level. §7.4 addresses records, and §7.5 briefly outlines the three kinds of special ballots Virginia voters may use in certain circumstances.

**Part One:** Pre-Election Day Absentee Voting includes §7.6, discussing absentee readiness including ballot printing and certification. §7.7, the largest section in the Absentee Voting chapter, outlines the different types of absentee applications to vote by mail, the requirements of each application, and general processes related to each specific kind of absentee application. §7.8 addresses in-person absentee voting. Both §§7.7 and 7.8 discuss the procedures that must be taken by general registrars and local electoral boards, and establish requirements of voters to be eligible to vote either by mail or absentee in-person. §7.X describes the establishment and conduct of absentee ballot drop-off locations. §7.Y discusses the process for emailing absentee ballots to print disabled voters.

**Part Two:** Military and Overseas Voters includes §§7.10 and 7.11, which explain how to administer absentee voting with respect to military and overseas voters.

**Part Three:** Election Day addresses curbside voting, and provides guidance on what to do if a voter needs assistance voting at the absentee precinct.

**Part Four:** Processing Absentee Ballot outlines how to receive mailed ballots, issue replacement ballots, process ballots before Election Day and what to do if a UOCAVA voter's ballot has returned after the polls close. This part also discusses the requirement to pre-process absentee ballots, the absentee ballot cure process, and the absentee ballot witness signature requirement.

## 7.2 IN GENERAL

### 7.2.1 Who is Entitled to Vote by Absentee Ballot

Any registered voter may vote by absentee ballot. Registered voters may choose to vote absentee by-mail or in-person. By-mail absentee voters may return their ballots to a drop-off location.<sup>1</sup> The rules for each kind of absentee voting are discussed later in this chapter.

### 7.2.2 Shared Responsibilities

Absentee voting is primarily a general registrar's responsibility in terms of day to day administrative tasks such as approving applications and sending ballots but electoral boards have overall supervisory responsibility.<sup>2</sup>

<sup>1</sup> See the Code of Virginia [§24.2-706](#).

<sup>2</sup> See the Code of Virginia [§§24.2-612](#) and [24.2-706](#).



### 7.2.3 The 45 Day Absentee Deadline



Send ballots for all absentee applications on hand as soon as the ballots are received from the printer, but “**not later than 45 days prior to any election or within three business days of the receipt** of a properly completed absentee ballot application, whichever is later. In the case of [a nonfederal special election] if time is insufficient to meet the applicable deadline [...], then the general registrar [must] make printed ballots available as soon after the deadline as possible.”<sup>3</sup>

In-person absentee voting begins when printed ballots for the election are available and continues through the Saturday prior to Election Day.<sup>4</sup>

### 7.2.4 Required to send Absentee Ballot within 3 Days of Receiving Complete Application

Ballots must be sent within 3 business days of receipt of a properly completed application following the 45-day absentee deadline. Electoral boards and general registrars have shared statutory responsibilities under §§24.2-612 and 24.2-706 to send ballots out on time.

- Process absentee ballot applications on a regular schedule throughout the year.
- Enter absentee ballot applications promptly into VERIS as they are received for the upcoming election. Entering applications into VERIS allows the voter to check his absentee ballot status online and assures the voter that the application has been received.
- 



**EXCEPTION:** An absentee ballot application from an applicant who has registered to vote in person “[must] be held and processed no sooner than [five days] after the date that the applicant registered to vote.” **military and overseas voters are exempt from this requirement.**<sup>5</sup>

- Run absentee reports regularly, check the applications against the report, and make corrections as needed.

### 7.2.5 Absentee Voting Locations Must Still Follow Polling Place Rules

Remember that regular polling place rules apply to in-person absentee voting at all absentee voting locations:

- Voter ID is required to vote absentee in person. If the voter does not have an acceptable ID, they may sign the ID Confirmation Statement.<sup>6</sup> Please note that voters are **not** required to show ID to submit mail absentee ballots at a drop-off location.<sup>7</sup>
- Voters may not be accompanied into the voting booth by anyone other than an authorized assistant or his/her child age 15 or younger.<sup>8</sup>
- No political activity is permitted within 40 feet of the entrance of the polling place structure.<sup>9</sup> Such prohibited activity includes, “loiter[ing] or congregat[ing] within 40 feet of any entrance of any polling place [...] within such distance to give,

<sup>3</sup> See the Code of Virginia [§24.2-612](#).

<sup>4</sup> See the Code of Virginia [§§24.2-707](#) and [24.2-701](#).

<sup>5</sup> See the Code of Virginia [§24.2-701](#).

<sup>6</sup> See the Code of Virginia [§24.2-643](#).

<sup>7</sup> See the Code of Virginia [§§24.2-707](#) and [24.2-707.1](#).

<sup>8</sup> *Id.*

<sup>9</sup> See the Code of Virginia [§24.2-604](#); see also Chapter 11 (Election Day) referring to polling places.



tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote.”<sup>10</sup>

Follow procedures for issuing provisional ballots: e.g., the voter does not have acceptable ID or does not sign the ID Confirmation Statement; or the voter is not listed in VERIS and voter says he/she registered at the DMV.<sup>11</sup>

A **change to a person’s name** needs to be reported and changed in VERIS. The name change has no effect on the voter’s eligibility to vote, but may affect identification and require provisional voting.<sup>12</sup> More about why or when a voter may have to vote a provisional ballot can be found in Chapter 13 Provisional Ballots. You **must count** a ballot that has been cast by a voter prior to his/her death. State Board of Elections’ regulation 1 VAC 20-60-40 defines when an absentee ballot voted other than in person is cast.



#### Regulation Note

**1VAC20-60-40: When Ballot Cast.** A voter has not cast a vote until a permanent record of the person’s vote is preserved. 20-60-40(B) provides that this can be done by **inserting an optical scan ballot** into a counter. A vote is not cast until the voter (or an officer of election or assistant if requested and desired by the voter) completes one of those actions.

**Remember:** No one else can cast a voter’s ballot unless doing so at the direction of the voter. However, if a voter inserts a ballot into an optical scanner, leaves, and then the ballot is returned by the scanner due to an over vote or under vote, the officer of election can cast the ballot for that voter. Absentee voters are considered to have cast their ballots at the moment they personally deliver the ballot to the general registrar, electoral board, or an authorized carrier for returning the ballot.

## 7.3 ABSENTEE DEADLINES

- 5 days after registration: when absentee application can be processed after in person registration.<sup>13</sup>
- 22 days before the election: Deadline to register to vote.<sup>14</sup>
- 21 days before the election: Books are closed.<sup>15</sup>
  - 12 months before the election: Earliest to apply for an absentee ballot.<sup>16</sup>

<sup>10</sup> *Id.*

<sup>11</sup> See Chapter 13 (Provisional Ballots) *explaining provisional voting.*

<sup>12</sup> See Chapter 13 (Provisional Ballots)

<sup>13</sup> See the Code of Virginia [§24.2-701](#).

<sup>14</sup> See the Code of Virginia [§24.2-414](#).

<sup>15</sup> See the Code of Virginia [§24.2-416](#).

<sup>16</sup> See the Code of Virginia [§24.2-701\(A\)](#).



- 45 days before the election: Deadline for absentee ballots to be mailed or emailed for applications on file.<sup>17</sup>
- 5 pm EST on the eleventh day (typically the second Friday) before the election: Deadline to apply for an absentee ballot by mail.<sup>18</sup>
- Noon on Saturday before the election: Earliest that a person can learn of his/her need for an emergency absentee ballot due to his business, profession, or occupation, or a family medical emergency.<sup>19</sup>
- 5 pm on Saturday before the election: Deadline to vote in-person absentee.<sup>20</sup>
- 5 pm on Saturday before the election: Deadline for a voter with a disability or illness who has been sent an absentee ballot to request a replacement ballot using a designated representative.<sup>21</sup>
- 2 pm on the day before the election: Deadline to request an Emergency Absentee Ballot Application for an individual who was unable to apply for an absentee ballot by the deadline due to hospitalization or illness of himself or a family member, death of a family member, or other emergency found to justify receipt of an absentee ballot ; Green Form.<sup>22</sup>
  - 5 pm on day before election: Deadline for designated representative to return with completed application for hospitalized voter and to pick-up ballot.
- 2 pm on the day before the election: Deadline for late in-person Business/Personal/Emergency voters to vote; Buff/Cream Form.<sup>23</sup>
- Election Day: electoral board members must deliver all returned absentee ballots to precincts or CAP.<sup>24</sup>
- Noon the third day after Election Day: Deadline for FWAB to be received and serve as the absentee application and ballot based on voter affirmation of timely completed FPCA, if registered or eligible for late registration.<sup>25</sup>
- Noon the third day after Election Day: Deadline to receive absentee ballots that were postmarked on or before Election Day.<sup>26</sup>
- Immediately after 7 pm on Election Day: Deliver any remaining returned ballots to precincts or CAP.<sup>27</sup>
- After the completion of the canvass: registrar must transmit original absentee ballot applications to the clerk of the circuit court.<sup>28</sup>

<sup>17</sup> See the Code of Virginia [§24.2-612](#); see also [52 USC § 20302](#).

<sup>18</sup> See the Code of Virginia [§24.2-701\(B\)\(2\)](#).

<sup>19</sup> See the Code of Virginia §§24.2-705.1 and 24.2-705.2.

<sup>20</sup> See the Code of Virginia [§24.2-701](#).

<sup>21</sup> See the Code of Virginia [§24.2-703.2](#).

<sup>22</sup> See the Code of Virginia [§24.2-705](#).

<sup>23</sup> See the Code of Virginia §§24.2-705.1 and 24.2-705.2.

<sup>24</sup> See the Code of Virginia [§24.2-710](#).

<sup>25</sup> See the Code of Virginia [§24.2-702.1](#).

<sup>26</sup> See the Code of Virginia [§24.2-709](#).

<sup>27</sup> See the Code of Virginia [§24.2-709](#).

<sup>28</sup> See the Code of Virginia [§24.2-710](#).



- 5 pm on second business day before State Board of Elections meets to certify results: Deadline to return voted ballot or FWAB late if ballot requested but sent late after 45 day deadline in §24.2-612.<sup>29</sup>
- After the Election on date instructed by Department of Elections (normally 30 days after): Deadline to send late ballots received after the election to the Clerk of the circuit court, provided the ballots were not eligible to be counted late.<sup>30</sup>
- December 15: Registrar must send all previously enrolled applicants, who are still registered, a blank *Annual Absentee Ballot Application Due to Disability or Illness*.<sup>31</sup>
- Friday before Election Day: Any ballot received on or before this date is subject to the absentee ballot cure process described in Code of Virginia §24.2-709.1.
- Seventh day immediately preceding the election: deadline for general registrar to begin pre-processing absentee ballots as described in §24.2-709.1(B).



Deadlines stated as a time of day must be adjusted for daylight savings time when applicable.

## 7.4 ABSENTEE BALLOT RECORDS

### 7.4.1 Copies Requested for Inspection

If copies of AB applications are requested for inspection by a Virginia registered voter, they must have the social security number, day and month of birth redacted so they are not visible. “No list or application containing an individual’s social security number, or any part thereof, or the individual’s day and month of birth, shall be made for inspection or copying by anyone.”<sup>32</sup>



- For Protected Voters, **redact the residence address in addition to all other personally identifying information.**
- Please see Chapter 9 Records Retention for the appropriate retention schedule.

### 7.4.2 Absentee Ballot Application Chain-of-Custody

The general registrar is required to deliver the original applications, under seal; to the clerk of the circuit court after the electoral board canvass is complete.



**Exception:** This does not include the original FPCAs and FWABs that are retained for registration. Retention for registration records is 4 years after cancellation.<sup>33</sup> Send copies of these to the Clerk instead of the originals.

## 7.5 SPECIAL BALLOTS

Virginia provides special ballots to certain voters in certain situations. The three special ballots are:

<sup>29</sup> See the Code of Virginia [§24.2-709](#).

<sup>30</sup> See the Code of Virginia [§24.2-710](#).

<sup>31</sup> See the Code of Virginia [§24.2-703.1](#).

<sup>32</sup> See the Code of Virginia [§24.2-706](#).

<sup>33</sup> See the Code of Virginia [§24.2-114\(8\)](#).



- Federal-only absentee ballot
- Presidential-only absentee ballot
- Federal write-in absentee ballot (FWAB)

In ordering ballots, §24.2-646.1(6) allows using paper ballots for the federal only and presidential only ballot styles.

## 7.5.1 Federal-Only Absentee Ballots

### 7.5.1.1 *In General*

Some overseas voters only qualify for ballots for Federal offices. These are voters who have moved overseas, have no place of abode in Virginia and did not provide an employment reason for being overseas.<sup>34</sup> Voters must request a Federal only ballot using either the Virginia Vote by Mail Application or the FPCA.

### 7.5.1.2 *Eligibility*

Federal-only ballots are issued to applicants residing overseas who meet one the following qualifications:

- No longer have a Virginia place of abode but their last place of residence in the U.S. was in Virginia<sup>35</sup>
- Are not military voters, including spouses or dependents residing with the member of the military
- Did not provide an employment reason for moving overseas, or show that the applicant “is the spouse or dependent of a person employed overseas.”<sup>36</sup>

### 7.5.1.3 *General Registrar Action*

- Mark these applications with “Federal-Only Ballots” in the upper right corner of the form.
- Enter into VERIS in the usual manner.<sup>37</sup>
  - Select the applicable Military and Overseas Voter category from the Vote By Mail Application Form.
  - Enter all information concerning registration and last date of residence.
  - Registration is permanent under 2012 legislation.
  - VERIS will set the default for the ballot to Federal-Only.
  - Issue the ballot in the usual manner

<sup>34</sup> See the Code of Virginia [§24.2-453](#).

<sup>35</sup> See the Code of Virginia [§24.2-101](#) for definition of residency.

<sup>36</sup> See the Code of Virginia [§24.2-453](#).

<sup>37</sup> See [VERIS Step-by-Steps](#) (instructions for data entry).



## 7.5.2 Presidential-Only Absentee Ballot

Federal and Virginia law require issuing an absentee voter a ballot limited to Presidential and Vice Presidential electors in **one situation only**.<sup>38</sup>

- A registrant who has moved from the Commonwealth of Virginia fewer than thirty days before a Presidential Election. Enter these applications into VERIS using “Presidential-Only” exception code, which is available for selection during the presidential election.
- After the election, these Presidential-Only voters must be cancelled based on moving their residence to a new state shown on the application.<sup>39</sup>
- Keep a copy of completed applications for voters who qualify for Presidential-Only ballots to process as voter requests for cancellation after the election.



**This provision does not apply to a Presidential Primary.**



An application that indicates a voter is moving overseas rather than to another state must be processed under the procedures for UOCAVA voters; the FPCA may be a better choice for the voter.<sup>40</sup>

Like “federal only” ballots required for certain overseas citizens, these “presidential only” ballots for departing citizens moving to other states require special handling to assure voters entitled to full ballots are not disenfranchised on the one hand, and voters ineligible for other elections do not vote illegally on the other.

## 7.5.3 Federal Write-In Absentee Ballots (FWAB)

### 7.5.3.1 In General

The FWAB is designed “for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States absentee ballots.”<sup>41</sup> Applicants often mail a FWAB about the same time as an FPCA.

- “An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State ballot, may submit the State absentee ballot” regardless of whether a FWAB has been received.<sup>42</sup> §24.2-1004 clarifies there is no double voting since the FWAB is not counted if the regular state ballot is also received in time.
  - The regular state ballot will be easier to process and count than if the choices on the FWAB are handwritten.

<sup>38</sup> See [52 USC §§20302\(a\)\(2\)](#) and [§20310\(5\)\(B\),\(C\)](#); see also the Code of Virginia [§24.2-402](#). See Section 11.7. The *presidential only* ballot differs from a *federal only* ballot required in federal elections for an overseas citizen eligible to vote absentee under UOCAVA or UMOVA who has no Virginia place of abode.

<sup>39</sup> See the Code of Virginia [§§24.2-402](#) and [24.2-427\(B\)\(iii\)](#).

<sup>40</sup> See [Federal Post Card Application \(FPCA, Standard Form 76\)](#).

<sup>41</sup> See [52 U.S.C. §20303](#).

<sup>42</sup> See [52 U.S.C. §20303](#).



-  **FVAP has developed** technology on its website for federal elections to enable voters to print a FWAB with their choices from ballot data provided by the Department of Elections. This technology makes it less important for these voters to return the regular state ballot.



## PART ONE: PRE-ELECTION DAY ABSENTEE VOTING

### 7.6 ABSENTEE BALLOT READINESS

#### 7.6.1 When and How to Order Printed Ballots



**When.** As soon as the electoral board receives the certification of candidates and certification of referendums (if applicable) from Department of Elections, the board should verify that the ballot printer has all the information required to print the ballots. Remember that your ballots must be proofed and approved by ELECT before printing. The Department of Elections provides SBE's ballot standards that should be followed when producing ballots<sup>43</sup>.

**How Many.** Consider the following when ordering ballots:

- Number of active registered voters<sup>44</sup>
- Historical election data, including voter turnout<sup>45</sup>
- Number of ballots to order using past history from similar elections
- Number of ongoing applications
- Expected turnout for the race
- Emergency ballots (paper supply for the precincts and at CAP)
- Authorization of paper ballots for limited ballot styles (federal only, presidential).
- Due to Virginia's shift from excuse-based absentee voting to no-excuse absentee voting, expect increased absentee voting beginning with the November 2020 General Election.
- Also consider that with increased by mail applications, there are likely to be more voters who bring their marked or unmarked ballot to the polling place on Election Day and need a replacement ballot.



**Note:** The number of ballots to be printed is subject "to approval by the electoral board."<sup>46</sup>

#### 7.6.2 Third party mailing and assembling of printed ballots

General registrars may contract with a third party for the printing, assembly, and mailing of ballots.<sup>47</sup> The State Board of Elections has promulgated regulatory action 1VAC20-70-90, which regulates the process of forming these contracts with third parties.

Under 1VAC20-70-90, the general registrar is ultimately responsible for guaranteeing compliance with all relevant requirements under the Code of Virginia, including but not limited to the requirements of § 24.2-612 and § 24.2-706.

<sup>43</sup> See [Forms Warehouse](#), Election Management/Ballots/SBE Ballot Standards and Verification Procedures.

<sup>44</sup> See the Code of Virginia [§24.2-612](#).

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> See the Code of Virginia [§24.2-706\(D\)](#).





### Regulation Note

**1VAC20-70-90 Requirements for Third Parties Mailing and Assembling Absentee Ballots.** General Registrars should carefully review this regulatory action before forming a contract with a third party to mail absentee ballots. Further, General Registrars should regularly review this regulatory action for the duration of such a contract. This action establishes mandatory actions that the General Registrar must take, as well as mandatory contract terms for agreements between the General Registrar and the third party.

### 7.6.3 Start Absentee Voting When Ballots Received From Printer

**First certify** the number of all ballots received from the printer, including the ballots to be used for absentee voting.<sup>48</sup> Remember to file a copy of the receipt in the electoral board minutes.<sup>49</sup>

- The applications for absentee ballots must be entered into VERIS and proofed before the printed ballots are received.

Begin absentee voting as soon as the ballots are received. Do not wait for the mandated 45-day deadline.



### Best Practice

Conduct logic and accuracy testing on the voting machines and ballots before you send out any absentee ballots.

### 7.6.4 The 45 Day Absentee Ballot Deadline

At least **45 days prior** to any election<sup>50</sup> **ballots must be sent for all applications on file, and ballots must be ready for in-person absentee voting.**



**Exception:** For **non-federal special elections:** “if time is insufficient to meet the applicable deadline [45 days before an election], then the general registrar [must] make printed ballots available as soon after the deadline as possible.”<sup>51</sup> The Department of Elections will send a survey at the deadline to verify compliance.

#### 7.6.4.1 Be Ready to Email Ballots

Localities should have a specific email address established for correspondence with eligible overseas and military voters. Once you have approved your ballots you should create template email files ready to send to UOCAVA voters. The ballot printer can provide a PDF (portable document format) file of all ballot styles used in your locality. Incorporate this PDF file into the email to UOCAVA voters along with the additional materials the voter will require to complete the ballot<sup>52</sup>. Localities will also need to be

<sup>48</sup> See the Code of Virginia [§24.2-618](#).

<sup>49</sup> *Id.*

<sup>50</sup> See the Code of Virginia [§24.2-612](#).

<sup>51</sup> See the Code of Virginia [§24.2-612](#).

<sup>52</sup> See [Forms Warehouse](#), Absentee Voting/Ballots-UOCAVA.



prepared to email ballots to print disabled voters who request to receive their ballots by email.<sup>53</sup>

#### 7.6.4.2 *Be Ready with Ballots for In-Person Absentee Voting*

In-person absentee voting may take place in the office of the general registrar, or at another location or locations in the county or city approved by the electoral board, before a registrar, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board.<sup>54</sup>

Most absentee voters in the Commonwealth cast ballots in-person. Therefore, you should plan accordingly to ensure that a sufficient number of ballots are on-hand of each ballot style in your locality. If your locality uses ballot on demand technology please recall that ballots may be slow to print and there is no substitute for having a sufficient number of pre-printed ballots on-hand. You should ensure that a sufficient number of the following items are available: writing implements, clip boards, and other materials; these materials need to be available for in-person absentee voters. Staff and officers of election conducting in-person absentee voting should adhere to a well-documented process for entering absentee applications in VERIS.

### 7.6.5 Certify Ballot Readiness to ELECT

The general registrar must certify in writing to the Department of Elections that ballots were ready by the required date and that all applicants on file were sent ballots by the 45 day deadline.<sup>55</sup>

If the general registrar's office is closed on Saturday, the certification must be provided to the Department of Elections after the close of business on Friday. If the office is open on Saturday, the certification must be provided to the Department after the close of business on Saturday. If Friday is a holiday and the office is closed both Friday and Saturday, the certification must be provided on Thursday.

Additional reporting may be required. For each election, the Department of Elections will notify you when an electronic survey is available to collect the required certification of the compliance deadline and review of ballot orders.

## 7.7 APPLICATIONS TO VOTE ABSENTEE BY MAIL

Following are the types of applications and instructions used for voters requesting a ballot by mail.

### 7.7.1 Virginia Vote By Mail Application Form (SBE 701/703.1)

#### 7.7.1.1 *In General*

The Virginia Vote by Mail Application form lets registered voters apply to vote absentee for an upcoming election within the next twelve (12) months.<sup>56</sup> As of July 1, 2021, the form

<sup>53</sup> See the Code of Virginia [§§24.2-103.2](#) and [24.2-704](#).

<sup>54</sup> See the Code of Virginia [§24.2-707](#).

<sup>55</sup> See the Code of Virginia [§24.2-612](#).

<sup>56</sup> See the Code of Virginia [§24.2-701](#).



also allows a registered voter to submit one application for all future elections.<sup>57</sup> Anyone may request an application. Applications must be returned to the Registrar's office completed in full and signed. Applications may be filed no more than twelve (12) months before an election. The application must be submitted to the appropriate registrar no later than 5:00 p.m. on the eleventh day prior to the election, which would be the second Friday preceding an election held on a Tuesday. In-person absentee voting does not require an application. A registered voter may vote absentee in-person through the Saturday immediately preceding any election.

Applications may be signed electronically, and can be received by mail, fax, in person, or by email with electronic signature, or through ELECT's Citizen Portal website. Applicants who apply in person may wish to request that a ballot be mailed to them.

Ballots are sent by mail to applicants who apply by mail, fax, or email (see exception below). Citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may apply on the Virginia application, though they are encouraged to use the Federal Post Card Application (FPCA). UOCAVA voters are eligible to have their ballots sent to them by email, fax or mail.<sup>58</sup>

#### 7.7.1.2 Eligibility

All Virginia registered voters are eligible to vote by absentee ballot.<sup>59</sup>

- UOCAVA citizens who apply using the *Virginia Vote by Mail Application* are eligible to have their ballots sent to them by email or fax, but only for the one election requested.
- Print disabled voters may also have their ballots sent to them by email.<sup>60</sup>

If the absentee applicant is not currently registered and the books are not closed, the applicant may apply to register to vote. If absentee voting has begun, this individual may vote in person. If absentee voting has not yet begun, this individual may apply for a mail absentee ballot. However, that voter must wait at least five days after his registration application is granted before his absentee ballot application can be processed or before voting absentee in-person.<sup>61</sup> Military and overseas voters are exempt from this requirement.

- Some voters may be eligible for late registration, if they qualify under §24.2-419 or §24.2-420.1.

#### 7.7.1.3 How to Process the Virginia Vote by Mail Application Form (SBE 701/703.1)<sup>62</sup>

Check each application for missing information. Each application **must** contain the following:

<sup>57</sup> See the Code of Virginia [§24.2-703.1](#).

<sup>58</sup> See below discussion on use of the Federal Post Card Application (FPCA).

<sup>59</sup> See the Code of Virginia [§24.2-700](#).

<sup>60</sup> See the Code of Virginia [§§24.2-103.2](#) and [24.2-704](#).

<sup>61</sup> See the Code of Virginia [§24.2-701](#).

<sup>62</sup> See the Code of Virginia [§24.2-701](#).



- The election for which the ballot is being requested, **unless the voter elects to complete the “Permanent Absentee Option” section of the form.**
- The applicant’s **printed name**, and the **last four digits** of the applicant’s **social security number**.
- The applicant’s residence address in Virginia.
- Unless the applicant is disabled, all applications for absentee ballots must be signed by the applicant.

Additionally, please review the following non-mandatory information:

- Assistance with Ballot: If checked, indicate that in VERIS and be certain to send the *Request for Assistance in Voting an Absentee Ballot* form with the ballot (ELECT-649 (AB)). **Print disabled voters may also indicate that they would like to receive their ballots electronically by email.**
- If the voter has moved:
  - Enter change of address in VERIS if *Vote by Mail Application* is received before the books close.
  - **Do not** enter change of address in VERIS if the books have closed.
  - **Note:** Moving conditions apply.<sup>63</sup>
- Then, look up voter in VERIS:
  - Compare the information on the application with the data recorded in VERIS.
  - If the information matches, move to “Absentee History” in VERIS and check for any absentee application already on file.
  - If VERIS information for the voter shows “Vote in Person” or “Verify ID” flags, refer to these sections in this Chapter.
  - **If there is no absentee application on file, enter the absentee data and process the application.**
- Refer to VERIS Step-by-Steps for detailed processing instructions.
- Complete the “Office Use Only” block on the form.
- The voter is now ready for a ballot to be mailed, emailed or faxed.
- Follow instructions for mailing, emailing and faxing ballots.

#### 7.7.1.4 Incomplete Virginia Vote by Mail Application (SBE 701/703.1)

“In reviewing the application for an absentee ballot, the general registrar [must] not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.”<sup>64</sup>



#### Best Practice

If information is missing from an application an absentee ballot, try to collect the missing information by phone, email or fax for anything other than the signature. Indicate the name of the person providing the information, the date and initial the form or attach a copy of the fax or email response. If no one can be reached within 3 business days, deny the application in VERIS.

<sup>63</sup> See section on changes of address in this Chapter for details.

<sup>64</sup> See the Code of Virginia [§24.2-706](#).



Please note that the voter's full SSN is requested on the application to assist in finding the voter's record, but it is *not* required.<sup>65</sup> A voter cannot be denied an absentee ballot for failure to provide the full SSN.

### Frequently Asked Questions



*What if the voter forgets to include the last four digits of SSN?*

§24.2-706 requires the general registrar to determine if the omission prevents determining qualification to vote absentee.<sup>66</sup>

*What if the voter forgets to sign the application?* The voter's signature is required. The voter must be denied for failure to sign.<sup>67</sup> You should send a new application to the voter with the denial letter generated by VERIS.



#### Policy Note on Electronic Signatures for Absentee Ballot Applications

The State Board of Elections in May 2015 determined that applications requesting absentee ballots may be signed electronically. Registrars are directed to accept electronic signatures as long as the applicant is required to affirmatively check a box confirming acknowledgement of the Affirmation Statement on the Vote by Mail Application and the completed Application includes a disclaimer indicating that it includes an electronic signature. Accepting electronic signatures increases voter convenience and makes it easier for currently registered voters who are qualified to cast an absentee ballot.

#### 7.7.1.5 Help America Vote Act (HAVA) ID Requirement by Mail<sup>68</sup>

In a federal election, first-time voters who registered by mail will be noted with the "Verify ID" flag in VERIS.

- **Permissible forms of ID** for these voters *when voting by mail* include the following<sup>69</sup>:
  - Virginia Voter Card
  - Virginia Driver's License
  - "Copy of a current and valid photo identification"<sup>70</sup>

<sup>65</sup> See the Code of Virginia [§24.2-701](#). §24.2-701(C) provides authority for the application to collect the last four digits of the voter's social security number.

<sup>66</sup> See also [52 USC §10101\(a\)\(2\)\(B\)](#).

<sup>67</sup> See the Virginia Administrative Code [1VAC20-70-20](#).

<sup>68</sup> See the Code of Virginia [§24.2-706](#).

<sup>69</sup> *Id.*

<sup>70</sup> See the Code of Virginia [§24.2-706](#).



- “Copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter”<sup>71</sup>
- **Exemptions** from HAVA ID when voting by mail:<sup>72</sup>
  - Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters
  - Other federal entitlement
  - Commissioner of Elections determines that no accessible polling place available for voter with physical disability or age 65 or older.

Nonexempt first-time voters must be sent the HAVA ID notice (ELECT-HAVA-1) with ballots for *federal elections*; this includes students.

- Must return a copy of the required ID with his or her ballot
- If HAVA ID is returned, edit absentee ballot information in VERIS to indicate that ID was returned by checking the “ID Provided” box in VERIS.
- Failure to return proper HAVA ID requires Provisional Ballot processing.<sup>73</sup>
- Change the ballot status in VERIS to “Provisional” and note on the absentee ballot record that the ballot was cast as Provisional.

#### 7.7.1.6 Change of Address Scenarios for Ballots by Mail<sup>74</sup>

The action taken is dependent upon whether the books are open or closed. After the books close, the date the voter moved is essential in determining whether the voter is qualified to vote in the election(s) in which he/she offers to vote. Ballots must be mailed within 3 business days upon receipt of a properly completed application (if the voter registered in person, count the 3 business days from acceptance of the registration application).<sup>75</sup> Act on missing information or problems immediately, and document your actions. If problems cannot be resolved quickly, deny the *Vote by Mail Application* in VERIS.

**Use your resources.** Refer to “What If” document for current moving conditions. Below are different change of address scenarios with guidance on how to process these applications.

##### 7.7.1.6.1 The Voter has Moved to a New Address Within Your Locality and Wants a Ballot by Mail<sup>76</sup>

If the application is received **before** the books close, change address in VERIS and process the application using the voter’s new address.

If the application is received **after** the books close:

- Do not change the address in VERIS.
- If the voter meets the moving conditions in §24.2-401, process the application using the old address.
  - Keep a copy of the *Vote by Mail Application* to make address change *after* the election.

<sup>71</sup> *Id.*

<sup>72</sup> See [52 USC §21083](#); see also the Code of Virginia [§24.2-706](#).

<sup>73</sup> See Chapter 17 Provisional Ballots.

<sup>74</sup> See the Code of Virginia [§24.2-401](#).

<sup>75</sup> See the Code of Virginia [§24.2-612](#).

<sup>76</sup> See the Code of Virginia [§24.2-401](#).



- If the voter does not meet the moving conditions in §24.2-401, the application must be denied.
  - Enter the denial in VERIS and state the reason.
  - Mail denial notice to the voter.
  - Voter may not vote by mail or in person.
  - Keep a copy of the Vote by Mail Application to make address change *after* the election.

#### 7.7.1.6.2 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality and Wants a Ballot by Mail<sup>77</sup>

If the application is received **before** the books close, request a copy of the voter's record from the other locality to be sent to you immediately. Social Security number must be redacted<sup>78</sup> unless encrypted.<sup>79</sup>



- Update the voter's registration record in VERIS and process the application for a ballot by mail
- Make a comment in the VERIS voter record that you are waiting for the original voter registration record to be received from the previous locality.

If the application is received **after** the books close, send the voter's *Vote by Mail Application Form* to the voter's old locality with the Social Security number redacted. The old locality will determine whether the voter is eligible to vote under moving conditions in §24.2-401 or if application should be denied. The old locality is responsible for sending the denial notice, if needed.



#### Regulation Note

##### **1VAC20-20-20. Electronic Transmission of Records Containing Sensitive Personal Information; Encryption or Redaction Required.**

Election officials must use encryption technology that meets the Security Requirements for Cryptographic Modules, FIPS PUB 140-2, with change notices through December 2002, of the National Institute of Technology of the United States Department of Commerce to transmit any records containing sensitive personal information. This includes e-mails and faxes including sensitive information. This regulation defines "sensitive personal information" as: more than four digits of a social security number or other identifier other than a voter identification number, day and month of birth, and the residence address of voters qualified for protection under 24.2-418. If encryption is not used, all sensitive personal information must be redacted before being electronically transmitted. "Redact" means to alter or truncate data so no sensitive personal information is accessible.

<sup>77</sup> See the Code of Virginia [§24.2-401](#).

<sup>78</sup> Redact means to alter or truncate data so that no sensitive personal information is accessible.

<sup>79</sup> See the Virginia Administrative [Code 1VAC20-20-20](#).



### 7.7.1.6.3 The Voter has Moved to a New Address in Another Virginia Locality and Wants a Ballot by Mail<sup>80</sup>

If the application is received **before** the books close, send a copy of the voter record with the *Vote by Mail Application* to the new locality.



Remember: The **full** Social Security number must always be covered before faxing or emailing unless encrypted.<sup>81</sup>

- The new locality will process the transfer, then process the *Vote by Mail Application* and send the ballot.
- **Do not send a ballot from the old locality.**

If the application is received **after** the books close, confirm the date the voter moved into the new address on the *Vote by Mail Application Form*.

- If not listed on the *Vote by Mail Application Form*, the voter must be contacted.
- If the voter meets the allowable moving conditions in §24.2-401 and is eligible to vote in old locality:
  - Look up the voter in VERIS.
  - Check for any absentee ballot record.
  - Process *Vote by Mail Application Form* using the voter's old address.
- If the voter does not meet the moving conditions, the application must be denied.
  - Enter the denial in VERIS and state the reason.
  - Mail denial notice to the voter.
  - The Voter may not vote by mail or in person.
  - Keep a copy of the *Vote by Mail Application Form* to make address change *after* the election
- After the election use a copy of the *Vote by Mail Application Form* as authorization to transfer the voter to his/her new locality. Send the application copy to the new locality.

### 7.7.1.6.4 The Voter has Moved to a New Address in Another State and Wants a Ballot by Mail<sup>82</sup>

“The general registrar may cancel the registration of any person for whom a notice has been submitted [...] and forwarded to the general registrar that the voter has moved from the Commonwealth.”<sup>83</sup> The signed *Vote by Mail Application Form* is your authorization to cancel the voter. Thus, the *Vote by Mail Application* should be denied and his/her voter registration cancelled.

- Before cancellation, the general registrar must “mail notice of such cancellation to the person at both his new address, [...] and the address at which he had most recently been registered in Virginia.”<sup>84</sup>

<sup>80</sup> See the Code of Virginia [§24.2-401](#).

<sup>81</sup> See the Virginia Administrative Code [1VAC20-20-20](#).

<sup>82</sup> See the Code of Virginia [§§24.2-402](#) and [24.2-427](#).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*



- Send a denial letter and keep a copy of the *Vote by Mail Application Form* as your authorization for the cancellation.



**Exception for Presidential Election only:** If a voter has moved to another state less than 30 days before a Presidential General Election, he/she may be eligible for a Presidential Only ballot from his/her old Virginia address.<sup>85</sup> After the election, the voter's Virginia voter registration must be cancelled in VERIS.

#### 7.7.1.6.5 The Voter has Moved to Your Locality but VERIS Flags a Warning that the Voter has Been Issued a Ballot from His Old Locality and the Voter Wants a Ballot by Mail

- **Application received before the books close:**
  - Begin processing the transfer.
  - A warning message will appear in VERIS depending on "Ballot Status."
  - **If Status = Issued**
    - Warning message will read "Warning: Active Absentee Application in \_\_\_\_\_ County/City will be cancelled."
    - Update voter's registration.
    - VERIS will automatically cancel/void any ballot in the old locality after the transfer is complete (The ballot cannot be counted in the old locality).
    - Process the *Vote by Mail Application* and send ballot from new locality.
  - **If Status = Marked or On Machine or Pre-Processed**
    - Warning message will read "Warning: Voted ballot in \_\_\_\_\_ County/City."
    - The voter cannot vote in the new locality because the ballot has already been cast.
    - The application and the ballot from the old locality will remain unchanged as this voter has already cast his/her ballot.
    - DO NOT process the new *Vote by Mail Application Form* in VERIS.
    - The new locality should notify the voter that the application has been denied because a ballot has already been cast in this election from his/her old locality.
    - Inform the voter that his/her new address will be updated after the election.
    - Keep a copy of the application to request an alpha card from the old locality and update after the election.
    - If the voter denies having already cast a ballot, offer a provisional ballot.
- **Application received after the books close:**
  - The Voter cannot vote in the new locality.
  - The new locality should notify the voter that the application has been denied because it is past the deadline to update their registration record

<sup>85</sup> See the Code of Virginia [§24.2-402](#).



to the new address. The notice should also inform the voter, if a ballot has already been issued for this election from the old locality.

- Inform the voter that his/her new address will be updated after the election.
- Keep a copy of the *Vote by Mail Application Form* to request an alpha card and update after the election.

#### 7.7.1.6.6 The Voter Did Not Complete the Change of Address Option and Wants a Ballot by Mail

- If the applicant did not specifically request a change of address and the residence address does not match the address listed in VERIS, call or email the voter to confirm he/she has moved.
  - Note the information provided by the voter on the *Vote by Mail Application Form* and date and sign in red pen.
  - If the voter is qualified, send a ballot.
  - If the voter is not qualified, deny the *Vote by Mail Application Form*.
- If the applicant is not registered in your locality, call or email the voter to confirm whether to update his/her voter registration.
  - If the voter is qualified, send a ballot.
  - If the voter is not qualified, deny the *Vote by Mail Application Form*.
- The *Vote by Mail Application Form* can serve to transfer voters because it is a signed statement indicating a change of address.
- Prior address and date moved are not required to be stated on *Vote by Mail Application Form* but may be needed after the books close to apply moving conditions of §24.2-401.

## 7.7.2 Federal Post Card Application (FPCA, Standard Form 76)

### 7.7.2.1 In General

Most FPCAs are submitted by military members, overseas citizens and their families. The FPCA can serve as both a registration application and an absentee ballot request.<sup>86</sup> All revisions of the form containing the required information are acceptable.

### 7.7.2.2 Attorney General 1971 Opinion on “Place of Abode” for Military

In a 1971 opinion, the Virginia Attorney General stated that servicemen who had a place of abode in Virginia prior to their assignment to active duty elsewhere must constructively retain the Virginia place of abode, otherwise these members of society would be deprived of the electoral franchise. Such servicemen should be permitted to register to vote as though he still resided at this old place of abode, and should be put in the precinct where such place of abode is located.<sup>87</sup>

### 7.7.2.3 Who is Eligible to Use FPCA

Block 1 of the FPCA identifies the following eligible classes of voters:

<sup>86</sup> See the Code of Virginia [§24.2-703](#).

<sup>87</sup> See 1971-1972 Op. Atty Gen. Va. 153.



- “A member of a uniformed service on active duty who [...] is absent from the place of residence where [...] otherwise qualified to vote.”<sup>88</sup>
- “A member of the merchant marine who [...] is absent from the place of residence where [...] otherwise qualified to vote.”<sup>89</sup>
- “A spouse or dependent of a member [of a uniformed service or merchant marine] who [...] is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.”<sup>90</sup> ]
- U.S. citizens residing outside the U.S. and that are qualified to vote in the last place in which the person was domiciled before leaving the U.S.<sup>91</sup>
- These registrations are permanent with full ballot eligibility dependent upon whether the application indicates:
  - The voter retains a place of abode in Virginia.
  - The voter is employed overseas or in an eligible family.<sup>92</sup>

#### 7.7.2.4 State Law Definitions – Uniform Military and Overseas Voting Act (UMOVA)<sup>93</sup>

- Provides additional definitions expanding federal law protections on voting rights of absent military and overseas citizens.
- Permits U.S. citizens residing overseas, whose last residence in the U.S. was in Virginia but who no longer maintain an abode in Virginia, to receive absentee ballots for elections for federal office.<sup>94</sup>
- Persons born overseas to Virginia parents may be eligible to vote in Virginia elections.<sup>95</sup>
- Eligibility for full ballot is defined by state law based on retaining place of abode in Virginia or employment overseas.<sup>96</sup>

#### 7.7.2.5 Late Military Registrant By Mail<sup>97</sup>

The applicant must:

- Be eligible to register and otherwise qualified to vote
- Be a member of the uniformed services of the US on active duty, a member of the merchant marine or the spouse or dependent residing with the same, and
- By reason of active duty or merchant marine service be normally absent from the city or county in which he/she resides.<sup>98</sup>

<sup>88</sup> See [52 U.S.C. §20310](#).

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> See the Code of Virginia [§24.2-453](#).

<sup>93</sup> See the Code of Virginia [§§24.2-451](#) and [24.2-470](#).

<sup>94</sup> See the Code of Virginia [§24.2-452](#).

<sup>95</sup> *Id.*

<sup>96</sup> See Va. Const. [Art. I, §1](#); see also the Code of Virginia [§24.2-453](#).

<sup>97</sup> See the Code of Virginia [§24.2-419](#).

<sup>98</sup> See also the Code of Virginia [§24.2-425](#).



Persons eligible for late voter registration may do so after the books are closed up to and including Election Day.<sup>99</sup> They must be given a registration date equal to the final day of registration (effective date).

#### 7.7.2.6 *FPCA Duration of Eligibility – How Long Ballots Must be Sent*

“An application [...] that is received by the general registrar no later than 5:00 p.m. on the eleventh day prior to the election shall be considered a standing request for absentee ballots through December 31 of the year following the calendar year of [their] application.”<sup>100</sup>

#### 7.7.2.7 *How to Process the FPCA*

Board regulation 1 VAC 20-45-30 allows accepting a faxed or scanned email attachment as an original application for registration and absentee ballot request.<sup>101</sup>

- FPCA may be signed electronically for registration and absentee ballot requests.
- FPCA may be returned by mail, in person, by fax or email.
- The FPCA is both voter registration and absentee ballot request.
  - Make a copy of the FPCA for the absentee application.
- Overseas voters on short vacations or business trips less than a year should use the “Virginia Vote by Mail Application,” not the FPCA which provides continuing ballots through the next calendar year.



#### Regulation Note

##### **1VAC20-45-30: Electronic Submission of Federal Post Card Application**

An applicant who is eligible for registration and applies for registration and requests an absentee ballot on a Federal Post Card Application may apply for registration and the absentee ballot by facsimile or e-mail. Electronically submitted FPCA applications are sufficient for registration and requesting an absentee ballot if signed and otherwise complete.

#### 7.7.2.8 *FPCA Acknowledgment*

If ballots are not ready to be mailed and the FPCA is properly completed and ready for a ballot, the “FPCA Acknowledgement Form” or a document of your design may be completed and sent to the voter.

- The acknowledgement form should inform the voter of the type of ballot he or she will receive.
- It should also indicate when and how you will send the ballot (i.e.: mail, email or fax).

#### 7.7.2.9 *Checking the FPCA*

- Section 1 is the classification of voter type (uniformed services, etc.) Additional information in Section 9 determines ballot eligibility full or federal only.

<sup>99</sup> See the Code of Virginia [§24.2-419](#).

<sup>100</sup> See the Code of Virginia [§24.2-703](#).

<sup>101</sup> See the Code of Virginia [§24.2-457](#).



- Section 2 is for political party preference:
  - If a party is provided, primary ballots are sent for that party primary.
  - If no party is provided, no primary ballot is sent.
- Sections 3 and 4 are for name, suffix, previous name, date of birth and Social Security Number:
  - **Social Security Number:** If the applicant is already registered, only the last four digits of the social security number (SSN) are needed. **If the person is not yet registered, the full SSN is required.**
    - If a voter does not have a Social Security number and “none” is written in the box, VERIS will assign an identification number. Department of Elections staff can check the DMV record to verify no SSN.<sup>102</sup>
- Section 5 is for contact information (telephone, email and fax).
- Section 6 is the ranked preference of method for receiving ballot (mail, fax, email).
- Section 7 is for a valid residence address in your locality.
- Section 8 is for:
  - current military or overseas address to which ballot should be sent.
  - an alternate address to mail the ballot.
  - preferred method for sending the ballot (mail, fax, email).
- Section 9 is for additional information about branch of service, being employed overseas and for which elections the voter is requesting a ballot.<sup>103</sup>
- Voter’s signature to the affirmation statement



#### Regulation Note

**1VAC20-45-20: Voter Registration.** No presumption for or against residence may be based on a person’s presence or absence in the following circumstances: being employed in the service of the Commonwealth or the United States, whether military or civilian.

With respect to material omissions on Federal Write-In Absentee Ballots, the following omissions are **not material**: omitting service identification number, rank, grade, or rate on an application that declares active military duty status, employer name and address on an application that declares temporary overseas residence with no date of last residence, employer name and address on an application that declares temporary overseas residence with a date of last residence, and date of last residence on an application that declares indefinite overseas residence (20-45-20(B)(4)).

Eligibility for a full absentee ballot requires providing the name and address of an employer outside the United States (20-45-20(B)(3)). Lastly, the date of last residence for an application declaring indefinite overseas residence without indicating the date of last residence in the United States is the **date the application is signed** (20-45-20(B)(4)).

<sup>102</sup> See the Code of Virginia [§46.2-208\(B\)\(9\)](#).

<sup>103</sup> See the Virginia Administrative Code [1VAC20-45-20](#) on material omissions.



### 7.7.2.10 Processing a Properly Completed FPCA



- Perform a “Voter Search” in VERIS to determine if the voter is registered to vote at the address given in Part 3.
  - If the voter is not registered and the books are open, process as a new registration in VERIS according to the VERIS Step-by-Steps. Use the original FPCA you received for registration and a copy for the absentee ballot application.
  - If the voter is registered, proceed to “Absentee History” and check for an AB application already on file. If no application has been processed, enter the data into VERIS according to the Step-by-Steps.
- If the voter is not registered and the books are closed, consider if the applicant is eligible for late military registration.<sup>104</sup>
- If needed you may attach the properly completed FPCA to a sheet of paper on which an “Office Use Only” section has been printed and complete that information.
- Check VERIS to verify that the proper full or federal only ballot status is assigned based on the information provided. Federal only ballots are for US citizens residing abroad who have no current place of abode in Virginia and who are neither employed overseas nor eligible family of a person employed overseas or a uniformed services voter. “To be eligible to vote in state and local elections, the application of an overseas voter who has given up his place of abode in Virginia must show that the applicant is employed overseas or the spouse or dependent of a person employed overseas.”<sup>105</sup>

### 7.7.2.11 Processing an Incomplete FPCA

- Contact the voter to obtain any missing information. Email is usually the fastest method.
- Process the application as soon as the missing information is obtained.
- If the signature is missing, the voter must send a new completed FPCA.
  - Deny the application in VERIS.
  - Send a new FPCA or the link to FVAP.
  - Send the denial by email whenever possible.

### 7.7.2.12 Using the FPCA for Multiple Elections – Ongoing Application

The FPCA is valid for all elections, and is “considered a standing request for absentee ballots through December 31 of the year following the calendar year of the date of the application.”<sup>106</sup>

- Once the FPCA has been processed and approved, VERIS treats it as an ongoing application through the expiration date, and it does not have to be reentered for each eligible upcoming election.
- The application for ongoing ballots may be submitted at any time after the previous year’s November general election.
- The applicant must meet applicable deadlines for both voter registration and absentee ballot request.

<sup>104</sup> See above late military registration.

<sup>105</sup> See Va. Const. [Art. II, §1](#); see also the Code of Virginia [§24.2-453](#).

<sup>106</sup> See the Code of Virginia [§24.2-703](#).



- Ongoing applicants on file are eligible for ballots for special elections held in November or December provided their applications have not yet expired **unless otherwise specified in the FPCA**.
- Any voter sending in the FPCA after the November general election for the *next year* and at least 11 days before the special election are also eligible to receive ballots for that special election provided the voter has met the voter registration deadline.
- “If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots [may] be sent” to the voter until a new application is filed and accepted.<sup>107</sup>
  - Double check mailing and email addresses.
  - The default method to send ballot is **by mail** if nothing is selected.<sup>108</sup>

### 7.7.2.13 Activating the Ongoing Application

Activating the ongoing applications will allow VERIS to generate a ballot line for the specified election in which the applicant is eligible for a ballot. All ongoing applications for a specified election are activated at one time.



- To activate ongoing applications take the following steps:
  - Click on the absentee link.
  - Click on the ongoing absentee ballots link.
  - Select the appropriate election from the dropdown menu.
  - Click on the “Generate Ballots” button.



**VERY IMPORTANT: You *must* activate your ongoing applications for every election before you set your ballot ready date for every election! All ongoing applications are activated at one time. Permanent absentee ballot applications will be updated along with any military or overseas voters, if you have them.**

- Print the Daily Absentee Ballots List.
- Copy each application that is eligible for a ballot and proof it against the report. The report and applications should match.
- Resolve any issues with missing applications or missing entries on the report.
- Complete this process in time to mail your ballots. “The general registrar [must] make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application.”<sup>109</sup>
- When ballots are ready and the ballot ready date is set, each ongoing ballot line will be updated to show the ballot sent date.
- Refer to VERIS Step-by-Steps for data entry details.<sup>110</sup>

<sup>107</sup> *Id.*

<sup>108</sup> See the Code of Virginia [§24.2-706](#).

<sup>109</sup> See the Code of Virginia [§24.2-612](#).

<sup>110</sup> See *also* section on Procedure for Mailing/Emailing/Faxing Ballots.



### 7.7.3 Federal Write-In Absentee Ballots (FWAB)

#### 7.7.3.1 In General

The FWAB is designed “for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States absentee ballots.”<sup>111</sup> Applicants often mail a FWAB about the same time as an FPCA.

- “An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State ballot, may submit the State absentee ballot” regardless of whether a FWAB has been received.<sup>112</sup> §24.2-1004 clarifies there is no double voting since the FWAB is not counted if the regular state ballot is also received in time.
  - The regular state ballot will be easier to process and count than if the choices on the FWAB are handwritten.
-  **FWAP has developed** technology on its website for federal elections to enable voters to print a FWAB with their choices from ballot data provided by the Department of Elections. This technology makes it less important for these voters to return the regular state ballot. The Department of Elections offers similar technology to enable localities to issue ballots by sending links a voter can use to download and print a ballot for return by mail. Please contact your Liaison if your locality would like more information on this program.

#### 7.7.3.2 What the FWAB is Used For

“A covered voter may use the [...] federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if [the declaration accompanying the FWAB] is received by the applicable deadline.”<sup>113</sup>

- “If the declaration is received after that date, [the FWAB] must be treated as an application to register to vote for subsequent elections.”<sup>114</sup>
- “A covered voter may use the [...] federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot.”<sup>115</sup>
- Absentee Ballot Application for the enclosed ballot only.
- Voted Ballot for one election only.

#### 7.7.3.3 Who May Use the FWAB

“Covered voters” include<sup>116</sup>:

- “A uniformed-service voter or an overseas voter who is registered to vote in this state,”<sup>117</sup>

<sup>111</sup> See [52 U.S.C. §20303](#).

<sup>112</sup> See [52 U.S.C. §20303](#).

<sup>113</sup> See the Code of Virginia [§24.2-457\(B\)](#).

<sup>114</sup> *Id.*

<sup>115</sup> See the Code of Virginia [§24.2-458\(D\)](#).

<sup>116</sup> See the Code of Virginia [§24.2-452\(I\)](#) (defining “covered voters”).

<sup>117</sup> *Id.*



- “A uniformed-service voter [...] whose voting residence is in this state and who otherwise satisfies this state’s voter eligibility requirements;”<sup>118</sup>
- “An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, [...] satisfies this state’s voter eligibility requirements;”<sup>119</sup>
- “An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter been of voting age and, except for a state residency requirement, [...] satisfies this state’s voter eligibility requirements;”<sup>120</sup>
- “An overseas voter who was born outside the United States, is not described in [the bullets above] and, except for a state residency requirement, [...] satisfies this state’s voter eligibility requirements, if:”<sup>121</sup>
  - “The last place where a parent or legal guardian of the voter was, or [...] would have been, eligible to vote before leaving the United States is within this state; and”<sup>122</sup>
  - “The voter has not previously registered to vote in any other state.”<sup>123</sup>

#### 7.7.3.4 When Can the FWAB Be Used

Federal law mandates, and Virginia law allows, that UOCAVA applicants may use the FWAB as a back-up ballot.<sup>124</sup> A qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of §24.2-700 may use a federal write-in absentee ballot in any election.<sup>125</sup> A FWAB cannot be rejected on the basis that no FPCA can be found or because the applicant indicates on the FWAB that no FPCA has been submitted.<sup>126</sup> However, no regular ballot can be sent without a FPCA or Virginia Vote by Mail Application, nor will ballots continue without a FPCA or Virginia annual absentee application. General registrars should encourage absent military and overseas citizens to submit a FPCA, using a FWAB only if concerned a regular ballot will not arrive on time.<sup>127</sup> When the FWAB is received affects the action to take if no FPCA can be found:

- More than 45 days before election with sufficient time to submit FPCA—general registrar should contact voter to request FPCA so a regular ballot can be issued and ballots sent for future elections.
- Less than 22 days before election from an unregistered overseas citizen—FWAB is valid as registration for future elections only.
- Less than 7 days before election—if military or registered overseas citizen, voted ballot can be accepted; if unregistered overseas citizen, FWAB is valid as registration for future elections only.<sup>128</sup>

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> See the Code of Virginia [§24.2-452\(1\)](#).

<sup>124</sup> See [52 USC §20303](#).

<sup>125</sup> See the Code of Virginia [§24.2-702.1](#).

<sup>126</sup> See the Code of Virginia [§§24.2-457](#) and [24.2-458](#).

<sup>127</sup> See [Department of Elections website](#) and [FVAP Virginia Voting Assistance Guide](#).

<sup>128</sup> See the Code of Virginia [§24.2-459](#).



### 7.7.3.5 FWAB Mailing Deadlines Allowed

Active duty military, their spouses and dependents may mail their FWAB from any location in the US or overseas. Federal law stipulates that non-military overseas citizens must mail their FWAB from outside the United States for the ballot to count.<sup>129</sup> The FWAB instructions include addressing the voted ballot to the appropriate general registrar or Electoral Board.<sup>130</sup> FWABs may not be returned electronically as a voted ballot. Any applicant sending a FWAB electronically should be notified immediately that this method of return is not authorized for any voted ballot and a FPCA is required to request ballots sent.<sup>131</sup>

### 7.7.3.6 How the FWAB is to be Mailed

Remember the Code of Virginia §24.2-416.4 timely mailing rule if FWAB is used for registration. There is no five day hold for mailed applications from military and overseas applicants eligible under §24.2-700(2).<sup>132</sup>

- **Before Books Close:** “A covered voter may use the [...] federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the [FWAB], if the declaration is received by the applicable deadline for registration.”<sup>133</sup> This means that accepting a completed FWAB received by the **registration** deadline is timely for registration, absentee ballot application, and voted ballot.
- **After Books Close:** “If the [completed FWAB] is received after [the registration deadline], it must be treated as an application to register to vote for subsequent elections.”<sup>134</sup> This means that accepting a completed FWAB received by the deadline for returning ballots (postmarked on or before Election Day) is timely for registration, absentee ballot application and voted ballot **only if** the applicant is eligible for late registration.<sup>135</sup> You can accept a completed FWAB received by the deadline for returning ballots, but after close of books, as timely for an absentee ballot application and voted ballot if the applicant is already registered to vote in the jurisdiction<sup>136</sup>

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<sup>129</sup> See [52 USC §20303](#).

<sup>130</sup> See the Code of Virginia [§24.2-462](#).

<sup>131</sup> See the Code of Virginia [§§24.2-702.1](#) and [24.2-707](#); see also [FVAP Virginia Voting Assistance Guide](#).

<sup>132</sup> See the Code of Virginia [§§24.2-416.4](#) and [24.2-706](#).

<sup>133</sup> See the Code of Virginia [§24.2-457\(B\)](#).

<sup>134</sup> *Id.*

<sup>135</sup> See the Code of Virginia [§24.2-419](#) (addressing late military registration).

<sup>136</sup> See the Code of Virginia [§24.2-702.1](#).





### Regulation Note

**1VAC20-45-40: Material Omissions from Federal Write-in Absentee Ballots.** Timely received FWAB applications are not valid unless an omission from the application is material. In order to be accepted as timely, the applicant must meet the applicable registration deadline, but §24.2-419 extends the mail in deadline for certain military applicants (20-45-40(B)).

The following are **always considered material omissions**; any application containing these omissions are invalid: the applicant did not sign or check the assistance box, there is no declaration/application page, information on the declaration/application page needed to determine the voter's identity or eligibility, which may include, but is not limited to, current military or overseas address. Under 24.2-707 and 1VAC20-70-80, witness signatures are always considered material omissions *unless* there is a declared state of emergency related to a communicable disease of public health threat.

The following are **immaterial omissions** that **do not render the application invalid**: not listing the applicant's name as "Last, First, Middle," listing a middle initial or maiden name instead of a full middle name, omitting the street identifier, such as "Street" or "Avenue", the county, city or zip code if the locality is clearly identifiable based on the address given, omitting the date the voter signed the ballot, omitting the address of the witness (20-45-40(D)(7)), omitting the date the witness signed the ballot (20-45-40(D)(8)), not sealing the ballot in the security envelope, so long as the outside envelope containing the ballot and declaration/affirmation page was sealed (20-45-40(D)(9)), and submitting a ballot containing offices or issues for which he is not eligible (20-45-40(D)(10)).

#### 7.7.3.7 Additional Tools Available

- Processing Federal Write-in Absentee Ballot Step-by-Steps.
- Department of Elections Regulation 1 VAC 20-45-40<sup>137</sup>: "Material Omissions from Federal Write-in Absentee Ballots."

#### 7.7.3.8 Tables

- **Table 1** summarizes the action to be taken when only a FWAB is received.
- **Table 2** summarizes the action to be taken when both an FPCA and a FWAB are received for the same applicant.
- **Table 3** summarizes the action to be taken when both a voted state ballot and FWAB are received from the same applicant.
- **Table 4** summarizes the action to be taken when a FWAB is received after the election.

<sup>137</sup> See [1 VAC 20-45-40](#).



<b>Description</b>	<b>Action to Take with FWAB</b>	<b>Code</b>
Applicant is registered or meets applicable registration deadline and FWAB is received by the deadline for returning ballots.	<ul style="list-style-type: none"> <li>● Retain original FWAB Voter Declaration for registration file and make 2 additional copies of the Voter Declaration, one for AB Application and one to go with ballot to serve as the Statement of Voter.</li> <li>● Enter declarations that have made the applicable deadline for permanent registration<sup>138</sup></li> <li>● Enter the FWAB as both AB Application and a received ballot.</li> <li>● Indicate the date, time received and the precinct code.</li> <li>● Indicate Congressional, Senate and House as needed.</li> <li>● Send FWAB to CAP or appropriate precinct on Election Day.</li> <li>● <b>No further ballots are issued under the FWAB.</b></li> </ul>	§24.2-416 §24.2-419 §24.2-702.1
Unregistered applicant does not meet applicable registration deadline and is not eligible for late registration (e.g., a FWAB received for unregistered overseas citizen after COB deadline).	<ul style="list-style-type: none"> <li>● FWAB is eligible for registration; FWAB ballot not counted and no ballot sent without FPCA.</li> <li>● Keep original FWAB and make one or two copies of the FWAB Voter Declaration page for denied absentee application.</li> <li>● Write “VOID” on the original FWAB.</li> <li>● Place the ballot in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope for your locality.</li> <li>● Within 90 days of rejection, electoral board must “send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot was rejected” (e.g., no timely registration application, ballot received after election, etc.).<sup>139</sup></li> <li>● The FWAB is effective for registration after the election.</li> <li>● Voter must submit a new FPCA in order to request ballots for future elections.</li> </ul>	§24.2-416 §24.2-419 §24.2-702.1

<sup>138</sup> See the Code of Virginia [§§24.2-457\(B\)](#) and [24.2-458\(D\)](#).

<sup>139</sup> See the Code of Virginia [§24.2-711.1](#).



Table 2—FPCA and FWAB for Same Applicant—Ballot Issuance			
Description	Action to Take with FPCA	Action to Take with FWAB	Code
FPCA and FWAB are received together and meet Absentee Ballot Application deadline, and applicant is registered or meets applicable registration deadline.	<ul style="list-style-type: none"> <li>Process as AB Application.</li> <li>Issue regular state absentee ballot, full or federal only, depending on registration status.</li> </ul>	<ul style="list-style-type: none"> <li>Hold the FWAB until noon on the third day after the election to allow time for the state ballot to be returned.</li> <li>If the state ballot does not come back by noon on the third day after the election, process the FWAB as a voted ballot and send to CAP or appropriate precinct.</li> </ul>	§24.2-702.1 §24.2-703 §24.2-706 §24.2-709
Neither FPCA nor FWAB meets applicable registration deadline and voter is <i>not</i> eligible for late registration (e.g., a FWAB is received for unregistered overseas citizen after COB deadline).	<ul style="list-style-type: none"> <li>FPCA is not eligible for this election.</li> <li>Retain FPCA to process after the election.</li> </ul> <p>After the Election</p> <ul style="list-style-type: none"> <li>If not registered, use FPCA for registration.</li> <li>Process FPCA as AB Application for future elections.</li> <li>This application will continue as an ongoing AB Application for statutory period.</li> </ul>	<ul style="list-style-type: none"> <li>FWAB is <i>not</i> eligible for registration, Absentee Ballot Application or voted ballot for current election.</li> <li>Keep original FWAB and make one or two copies of the FWAB Voter Declaration page to keep for registration and denied absentee application.</li> <li>Write “void” on the original FWAB going with ballot.</li> <li>Place the ballot in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope for your locality.</li> <li>Within 90 days of rejection, electoral board must “send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot was rejected” (e.g., no timely registration application, ballot received after election, etc.).<sup>140</sup></li> </ul>	§24.2-416 §24.2-419 §24.2-702.1 §24.2-703
FPCA and FWAB are received together but FPCA has NOT met regular AB Application deadline (11 days prior to Election Day).	<ul style="list-style-type: none"> <li>FPCA not eligible for this election</li> <li>Retain FPCA to process after the election.</li> </ul> <p>After the Election:</p> <ul style="list-style-type: none"> <li>If not registered, use FPCA for registration.</li> <li>Process FPCA as AB Application for future elections.</li> <li>This application will continue as an ongoing AB Application for statutory period.</li> </ul>	<p>If voter is registered or eligible for late registration:</p> <ul style="list-style-type: none"> <li>Process FWAB as AB Application and as a voted ballot.</li> <li><i>Do not</i> send a state ballot.</li> </ul> <p>If voter is not registered:</p> <ul style="list-style-type: none"> <li>Follow instructions under “Does not meet applicable registration deadline” found above.</li> </ul>	§24.2-702.1 §24.2-703

<sup>140</sup> See the Code of Virginia [§24.2-711.1](#).



Description	Action to Take with State Ballot	Action to Take with FWAB	Code
Regular state ballot was issued. Both state ballot and FWAB are received before Election Day (VERIS shows state ballot was sent but not yet received).	<ul style="list-style-type: none"> <li>Enter the state ballot as received, selecting “Marked” as the ballot status.</li> <li>Send state ballot to CAP or appropriate precinct on Election Day.</li> </ul>	<ul style="list-style-type: none"> <li>Write “VOID” on the FWAB.</li> <li>Place the FWAB in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope for your locality.</li> </ul>	§24.2-702.1 §24.2-703 52 USC §20303
Regular state ballot was issued but <i>not</i> received; only FWAB was received by deadline for returning ballots.	<ul style="list-style-type: none"> <li>No action needed</li> </ul>	<ul style="list-style-type: none"> <li>Enter FWAB ballot as received, using the edit function.</li> <li>Select “FWAB” as the ballot status.</li> <li>Indicate the date, time received and precinct code.</li> <li>Indicate Congressional, Senate and House as needed.</li> <li>Place this ballot with all other ballots for the precinct.</li> </ul>	§24.2-702.1 §24.2-709 52 USC §20303

State Ballot Sent on Time		
Description	Action to Take with FWAB	Code
FWAB is received after the election but VERIS shows state ballot was issued and received as a voted ballot.	<ul style="list-style-type: none"> <li>No action needed for FWAB as state ballot was already received.</li> <li>Place the FWAB in envelope labeled “Ballots Received after Election” for Clerk of the Court.</li> </ul>	§24.2-710
FWAB is received after the election but VERIS shows state ballot was issued on time but was <i>not</i> received as a voted ballot.	<ul style="list-style-type: none"> <li><b>Best Practice:</b> Registrars may choose to process the FWAB as a ballot returned “LATE” on VERIS for tracking purposes. Use the edit function on the ballot line.</li> <li>Rejecting the ballot will allow the voter to check the status of the FWAB on the Department of Elections website after the election.</li> <li>Place the FWAB in envelope labeled “Ballots Received after Election” for Clerk of the Court.</li> </ul>	§24.2-710
State Ballot NOT Sent on Time		
Original state ballot requested by FPCA or ELECT-701 on or before, but <i>not</i> sent by, the 45-day deadline. State ballot NOT returned, only FWAB is received after election	<ul style="list-style-type: none"> <li>FWAB is received before 5 pm on the second business day before the State Board of Elections meets to ascertain the results of the election.</li> <li>Process as a received “FWAB” ballot using the edit function on the ballot line.</li> <li>Count FWAB or reject for material omission.<sup>141</sup></li> </ul>	§24.2-612 §24.2-709(B)
NO State Ballot Sent		
FWAB is received after the election and VERIS shows <b>NO</b> state ballot was issued.	<ul style="list-style-type: none"> <li>The FWAB is effective for registration after the election.</li> <li>Voter must submit FPCA in order to request ballots for future elections.</li> <li><b>Best Practice:</b> Inform voter that FWAB was received after the election and that a FPCA must be submitted to request ballots for future elections.</li> <li>Place the ballot in envelope labeled “Ballots Received after Election” for Clerk of the Court.</li> </ul>	§24.2-702.1 §24.2-710

<sup>141</sup> See the Virginia Administrative Code [IVAC20-45-40](#).



## 7.7.4 Permanent Absentee Voting with the Vote By Mail Application Form (SBE 701/703.1)

### 7.7.4.1 In General

By completing the “Permanent Vote by Mail” section of the SBE 701/703.1 form, a voter may receive all ballots for which he is eligible.

-  If a voter who has already completed the “Permanent Absentee Option” section of the form submits a new SBE 701/703.1, you should contact the voter to confirm whether he/she intends to supersede the active ongoing application.

### 7.7.4.2 Eligibility

Any registered voter is eligible to complete the “Permanent Vote By Mail” section of the form and to receive all ballots they are entitled to, unless or until the voter is removed or cancelled from the Permanent Absentee List.<sup>142</sup>

### 7.7.4.3 Registrar Requirements

- Keep the original certified application on file indefinitely.
- Voters who join the permanent absentee voter list must have their ballots sent to “the address in the voter’s registration record...”<sup>143</sup> If the voter wishes to use a different mailing address for a single election, the voter must complete and submit the form SBE-703.1C “Virginia Permanent Absentee Voter Single Election Change Form.”<sup>144</sup>
- “If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable [...] no ballot for any subsequent election [should] be sent to the voter until a new application is filed and accepted.”<sup>145</sup>

### 7.7.4.4 Removal from the Permanent Absentee List

A voter is removed from the permanent list under the following conditions<sup>146</sup>:

- The voter requests in writing to be removed from the list.
- The voter’s registration is cancelled.
- The voter’s registration is placed on inactive status.
- The voter moves to a different address not in the same county or city of his registration.
- In the event that a voter is removed from the permanent list, the GR should send a notice of removal and explain the reason for removal.

### 7.7.4.5 Processing the Application

Confirm the application is properly completed and contains all of the required information to process an absentee ballot application.

- Printed name and address, last four digits of the SSN, and signature<sup>147</sup>

<sup>142</sup> See the Code of Virginia §§24.2-700 and 24.2-703.1.

<sup>143</sup> See the Code of Virginia §24.2-703.1

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*



- “No action undertaken to fulfill any requirement [...] to register or vote [is] valid or complete when the action is based on the exercise of a power of attorney.”<sup>148</sup>
- “No ballot [can] be sent to, or in care of, any other person.”<sup>149</sup>
- Which party’s primary ballot the voter would like to receive for any relevant primary election. If neither party is checked, primary ballots will not be sent.
- Assistant’s Statement (only if required)
  - Assistant’s full name, residence address and signature;<sup>150</sup>
  - Voter unable to sign, if applicable.<sup>151</sup>
- Change of Address
  - Look up the voter in VERIS.
  - Enter change of address in VERIS if Vote by Mail Application is received before the books close.
  - **Do not** enter a change of address in VERIS if the books have closed.
    - **Note:** Moving conditions may apply.
  - Compare the information on the application with the data recorded in VERIS.
  - If the information matches, move to “Absentee History” in VERIS and check for any Vote by Mail Application already on file.
  - If there is no Vote by Mail Application on file, enter the absentee data and process the application.
  - Refer to VERIS Step-by-Steps for detailed processing instructions.
  - Complete the “Office Use Only” block in the top right corner of the form.
  - The voter is now ready for a ballot to be mailed.
  - Follow instructions for mailing ballots.

#### 7.7.4.6 Activating Ongoing Applications

Activating the ongoing applications will allow VERIS to generate a ballot line for the specified election in which the applicant is eligible for a ballot. All ongoing applications for a specified election are activated at one time. Follow the steps below to activate ongoing applications in VERIS:

- Hover cursor over absentee tab on VERIS menu bar.
- Click on the absentee link.
- Click on the ongoing absentee ballots in the drop down menu.
- Select the appropriate election from the dropdown menu.
- Click on the “Generate Ballots” button.



**VERY IMPORTANT: You must activate your ongoing applications for every election before you set your ballot ready date for every election.**

All ongoing applications are activated at one time. Annual applications will be updated along with any military or overseas voters, if you have them.

<sup>148</sup> See the Code of Virginia [§24.2-123](#).

<sup>149</sup> See the Code of Virginia [§24.2-701\(C\)\(3\)](#).

<sup>150</sup> See the Code of Virginia [§24.2-704](#).

<sup>151</sup> *Id.*



- Print the “Daily Absentee Ballots List” after you activate the ongoing applications.
- Copy the applications that are eligible for a ballot and proof them against the report. The report and applications should match.
- Resolve any issues with missing applications or missing entries on the report.
- Complete this process in time to mail your ballots.<sup>152</sup>
- When ballots are ready and the ballot ready date is set, each ongoing ballot line will be updated to show the ballot sent date.
- Refer to VERIS Step-by-Step instructions for data entry details.

### 7.7.5 Emergency Absentee Ballot Application (ELECT-705)

#### 7.7.5.1 In General

“Any person registered and otherwise qualified to vote may request at any time prior to 2:00 p.m. on the day preceding the election that he be permitted to vote by emergency absentee ballot with the assistance of his designated representative.”<sup>153</sup>

#### 7.7.5.2 Eligibility

- 24.2-705(A) addresses voters requesting an emergency absentee for the following reasons: i) they were unable to apply or an absentee ballot by the deadline due to their hospitalization or illness, or the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify the receipt of an absentee ballot; or (ii) will be unable to vote on Election Day due to their hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot after the deadline for applying for an absentee ballot.
- Voter or designated representative must request the application be delivered to him or her “prior to 2:00 p.m. on the day before an election.”<sup>154</sup>
- Voter was unable to apply for an absentee ballot by the deadline due to his hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot.<sup>155</sup>
- Voter will be unable to vote on Election Day due to his hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot that occurred after the deadline for applying for an absentee ballot.<sup>156</sup>

#### 7.7.5.3 Request for Emergency Absentee Ballot Application (ELECT-705)

The voter or designated representative must ask the Registrar to provide an *Emergency Absentee Ballot Application* by phone or in writing at any time prior to 2 pm on the day preceding the election and provide the name of the person selected to be the

<sup>152</sup> See the Code of Virginia [§24.2-612](#).

<sup>153</sup> See the Code of Virginia [§24.2-705](#).

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*



representative.<sup>157</sup> The designated representative must “be age eighteen or older and [cannot] be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.”<sup>158</sup>

- The *Emergency Absentee Application* (ELECT-705) is given to the designated representative for delivery to the hospitalized voter at the hospital or to the voter at the voter’s current residence as shown on the registration records. The *Emergency AB Application* may be faxed to the designated representative or to the voter.<sup>159</sup>

#### 7.7.5.4 Return of Completed Application

“On receipt of the completed form and a determination of the qualification of the requesting voter to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the requesting voter.”<sup>160</sup>

- The general registrar must verify the following:<sup>161</sup>
  - That the applicant is a qualified voter;
  - That the name of the designated representative is listed;
  - That the completed application is received “no later than 5:00 pm on the day preceding the election;”
  - That the requesting voter has properly completed and signed the application;
  - That the designated representative has signed and completed the witness portion of the form.

#### 7.7.5.5 Providing the Absentee Ballot for the Hospitalized/Incapacitated Voter

- Prepare the absentee ballot in the same manner as a mailed absentee ballot but include the *Instructions for Voting an Emergency Absentee Ballot* (ELECT-705(2)).
- Request ID from the designated representative to assure that he/she is the person designated by the voter. Picture ID is preferred, but any item bearing the representative’s name is acceptable.
  - Failure to provide identification will not disqualify the application.
- Enclose the instructions with the ballot that advises the representative that the completed absentee ballot must be delivered to the general registrar’s office prior to 7:00 pm on Election Day.
- Enclose a *Request for Assistance* (ELECT-649 (AB)) form if the voter indicates he/she will need assistance with the absentee voting materials.
- Enter the hospitalized or incapacitated applicant’s name on the Emergency Absentee Ballot Applicants List (ELECT-710-Supp).

#### 7.7.5.6 Statement of Designated Representative

Upon returning the absentee ballot, the representative must complete the *Statement of Designated Representative of Hospitalized or Incapacitated Voter (Green)* (ELECT-705(2)) stating under oath that he:

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<sup>157</sup> *Id.*

<sup>158</sup> See the Code of Virginia [§24.2-705](#).

<sup>159</sup> See the Code of Virginia [§24.2-705](#).

<sup>160</sup> *Id.*

<sup>161</sup> *Id.*



- Is the designated representative,
- Meets the qualifications of a representative,
- Personally delivered the ballot to the voter who applied,
- Was in the presence of the voter when he/she marked the ballot; that it was placed in the envelope provided; the envelope sealed and the statement on its reverse side completed by the voter, and
- Returned the sealed ballot to the Electoral Board at the Registrar’s office.

#### 7.7.5.7 Registrar’s Certification

After the representative has executed the affidavit, the registrar or deputy registrar must complete the lower portion of the form by inserting the following:

- Application number,
- Precinct name and number,
- Date ballot returned, and
- Time ballot returned.
- The Registrar or deputy registrar must sign the form and attach it to the *Emergency Absentee Ballot Application* for that voter.

#### 7.7.5.8 Entering Into VERIS



- Enter the application information into VERIS.
- The *Emergency AB Application* is listed as an application type in the absentee application drop down menu.
- Select “*Emergency Application*” (ELECT-705).
- Received by method will automatically populate with “designated representative.”
- The reason type will populate and only allow “illness or disability.”
- Use “illness or disability” even if the reason is bereavement or otherwise incapacitated and use the comments field to explain.
- The ballot sent by method will self-populate with “designated representative.”
- Complete the application process and the received ballot process.

#### 7.7.5.9 Delivery of Ballots

“The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct.”<sup>162</sup> “Before the polls close on [Election Day], the electoral board [must] deliver the absentee ballot containers to, and obtain receipt from, the officers of election at each appropriate precinct.”<sup>163</sup> “Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot container has been delivered, [must] be delivered in an appropriate container to the officers of election at each appropriate precinct.”<sup>164</sup>

<sup>162</sup> See the Code of Virginia [§24.2-705](#).

<sup>163</sup> See the Code of Virginia [§24.2-710](#).

<sup>164</sup> *Id.*



## 7.7.6 Emergency Absentee Ballot Application (Emergency Travel for Business, Hospitalization or Death in Immediate Family and Late Assignment of Election Officer ELECT-705)

### 7.7.6.1 Eligibility

Code of Virginia 24.2-705(B) states “A qualified voter may vote absentee in person in the office of the general registrar through 2:00 p.m. on the day immediately preceding the election by complying with the requirements of 24.2-643 and affirming that one of the following emergency circumstances will prevent him from voting on Election Day:” Election Day.<sup>165</sup> Those emergency circumstances are listed in the qualifying reasons below.

### 7.7.6.2 Qualifying Reasons

- Voter will be absent on business, profession or occupation<sup>166</sup>
- Voter or a member of voter’s immediate family has been hospitalized;<sup>167</sup>
- Death of a member of [voter’s] immediate family;<sup>168</sup> which means child, grandchild, parent, grandparent, legal guardian, sibling, or spouse of the voter.
- The voter is an officer of election who was assigned after 12:00 p.m. on the Saturday before the election to work in a precinct other than his own on Election Day.<sup>169</sup>

### 7.7.6.3 Enter into VERIS



- Application type = emergency application
- Received by method = in-person or other
- Reason type = business, illness or disability or election official
- Ballot sent by method = in-person
- Complete the application process and the received ballot process.
- See VERIS Step-by-Steps.

## 7.7.7 Mailing Absentee Ballots

### 7.7.7.1 In General

“The general registrar [must] make printed [absentee] ballots available [...] not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later.”<sup>170</sup>

<sup>165</sup> See the Code of Virginia [§24.2-705](#).

<sup>166</sup> See the Code of Virginia [§24.2-705](#).

<sup>167</sup> See the Code of Virginia [§24.2-705](#).

<sup>168</sup> *Id.*

<sup>169</sup> See the Code of Virginia [§24.2-705](#).

<sup>170</sup> See the Code of Virginia [§24.2-612](#).





### Best Practice

Proof applications against labels/reports for every mailing. Check for “Needs Assistance (NA)” or “ID Required” on the label. Be very careful when applications for ballots to be mailed to ensure there are no labels generated for in-person voters. If the voter is registered, send a new application to the voter with the letter generated by VERIS requesting the missing information. If the voter has provided a fax number or email, save time by faxing or emailing the letter and a new application. If the voter is not registered, use one of the Department of Elections-provided templates from SharePoint or create your own to notify the voter.



**VERY IMPORTANT: Per 1VAC20-70-60** All absentee ballot envelopes used for mailing the ballot and materials to the voter and for the voter to return their ballot must contain the following elements:

- An Intelligent Mail barcode (IMb) that is unique to the voter.
- The official U.S. Postal Service Election Mail insignia.



### VERIS

VERIS reports are used for processing ballots for applications previously entered. Reports can be scheduled one time, daily, weekly, or monthly.

- Daily Absentee Ballots List
- Certificate of Mailing
- Absentee Ballot Mailing Labels
- Generated Ongoing Ballots List

If a voter has applied in-person for a ballot but would like the ballot to be mailed, be certain “MAIL” is selected in the “Ballot Sent By” field in VERIS.

#### 7.7.7.2 Assembling Ballots

Assemble as follows for each ballot to be mailed on the Certificate of Mailing (COM):

- Obtain *Instructions for Voting an Absentee Ballot* for ballot type (ELECT-706-4).
- Please note: when there is a proposed constitutional amendment or statewide referendum on the ballot, the instructions **must** include a link to the ELECT webpage explaining the proposed amendment or referendum.<sup>171</sup>
- Seal the ballot set in the *Ballot Within Envelope A* (ELECT-706-1).
- Use *Envelope B - Statement of Voter* - for which there are two versions:
  - UOCAVA (for UOCAVA voters only).<sup>172</sup>
  - Statement of Voter (for all voters other than UOCAVA). (ELECT-706-2)

<sup>171</sup> See the Code of Virginia [§24.2-706\(C\)\(4\)](#).

<sup>172</sup> See [52 USC §20302\(b\)](#).



- Self-address a return envelope with the VERIS generated return label.
- Use the left-hand label printed from VERIS for the “Return Envelope.”
- Insert the “Return Envelope” and all the above materials into the “Mailing Envelope.”
- Affix the right-hand label to the “Mailing Envelope” and seal.
- Use postage free “Mailing Envelope” for UOCAVA ballots.

#### 7.7.7.3 *Special Forms that may also be Included*

- *Request for Assistance Form* if needed (ELECT-649(AB))
- *HAVA ID Form* if needed (ELECT-HAVA-1)
- FPCA if needed<sup>173</sup>

#### 7.7.7.4 *Certificate of Mailing*

- Print labels first
- Printing labels generates the “Certificate of Mailing”

#### 7.7.7.5 *Order for Printing Labels and Certificate of Mailing*

- Ballot Style – Full or Federal Only
- Congressional District
- Senate District
- House District
- Voting Precinct
- Alpha Order
- 

Postage free ballots are listed after the “Certificate of Mailing” labels and are repeated in the same order.

Mail the absentee ballots using the “Certificate of Mailing.” The Certificate provides the proof that the ballots were mailed and the address to which they were mailed. The number of ballots mailed must equal the number of names on the “Certificate of Mailing.” Make corrections and adjustments to the totals on the “Certificate of Mailing” accordingly.

Deliver the ballots and the “Certificate of Mailing” to the Post Office. USPS will stamp the “Certificate of Mailing” as proof that the ballots were mailed.

NOTE — the Code of Virginia authorizes expedited mailing of ballots through commercial carriers other than USPS and authorizes use of alternative forms of evidence of mailing that may be less costly such as intelligent mail bar coding. Work with your local administration and USPS on economies that may be available to lower absentee mailing costs.<sup>174</sup>

<sup>173</sup> See the Code of Virginia [§24.2-706\(5\)](#).

<sup>174</sup> See the Code of Virginia [§24.2-706](#).



### 7.7.8 Emailing or Faxing the Ballots

The general registrar is required to send the blank ballot, the form for the envelope for returning the marked ballot and instructions to the voter by these electronic procedures if the UOCAVA applicant so requests.<sup>175</sup>

#### 7.7.8.1 Procedures

- Only UOCAVA voters may request ballots emailed or faxed.<sup>176</sup>
- Proof your daily email/fax ballot applications against the “Daily Absentee Applicants” or “Daily Absentee Ballots” list.
- If practical, arrange for a time that the voter will be at the fax machine to receive his/her faxed ballot.
- If arranging for a time to send the ballot by fax is a problem, you can inform the voter that emailing the ballot is also an option.

#### 7.7.8.2 E-mailed or Faxed Ballot Assembly

Include the following with each e-mailed or faxed ballot:

- VotingInstructions.pdf
- BallotWithin.pdf = Envelope A
- ABEnvelope.pdf = Envelope B
- ReturnEnvelopeTemplate.pdf = Outside Return Envelope
- FPCA, if needed<sup>177</sup>

### 7.7.9 Drop-off Locations

#### 7.7.9.1 In General

The 2021 General Assembly voted to codify the use of absentee ballot drop-off locations in Virginia. These locations include both secured drop-boxes and staffed locations where a voter can return a completed absentee ballot.

#### 7.7.9.2 Requirements for Drop-off Locations

**General registrars are required to maintain drop-off locations at:**

- The general registrar’s office;
- any satellite offices in the locality; and
- at each polling place on Election Day.

The following rules apply to all drop-off locations in your locality:

- Your locality’s drop-off locations *must* be available for the hours that the general registrar’s office or satellite office is open.
- On Election Day, you must operate a drop-off location at each precinct’s polling place.
- These locations must be available for the hours that the polling place is open.

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> See the Code of Virginia [§24.2-706\(5\)](#).



### 7.7.9.3 *Additional Locations*

As the general registrar, you may establish additional drop-off locations within your county or city as you deem necessary. Drop-off locations must be accessible, on public property unless located at a polling place, and compliant with any other criteria set by the Department of Elections.

- The Department of Elections highly recommends that registrars confer with their local Electoral Boards to determine if and where to place additional drop-off locations.
- You may use existing drop-boxes on government property as drop-boxes for elections (e.g. drop-boxes for making utility payments). However, any drop-box used must comply with all of the requirements in this guidance.

### 7.7.9.4 *Accessibility Requirements*

All drop-off locations must meet accessibility requirements, including being accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act ( 51.5-1 et seq.) the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. 12131 et seq). These are the same accessibility requirements as those for polling places, found in 24.2-310(C) of the Code of Virginia.

### 7.7.9.5 *Operation of Drop-Off Locations*

You may operate your drop-off locations as either 1) secured drop boxes; or 2) staffed drop-off locations.

- Individuals are not required to show identification (ID) when returning their ballots to drop-off locations.
- At the general registrar's office, satellite locations, and polling places, clear signage should indicate where voters drop-off their ballots versus where voters vote in-person.
- On Election Day, it is especially important that proper signage ensure that drop-off voters do not mistakenly wait in line to vote with in-person voters.

**On the Sunday and Monday before Election Day**, you are not required to operate drop-off locations at your satellite offices. However, *you must* continue to collect ballots daily from any drop-off location or drop boxes that remain open to the public on those days. If a drop box is available to the public on those days (for example boxes that are outside) and you do not wish for it to operate, it must be 1) locked so that ballots cannot be deposited in the box; and 2) have clear signage indicating that the last day for voting at this box is/was the date of the Saturday before Election Day.

### 7.7.9.6 *Security Standards for Drop-off Locations*

#### 7.7.9.6.1 *Physical Security Requirements for Secured Drop-Boxes*



- Must be constructed of durable material able to withstand vandalism, removal, and inclement weather, and be securely fastened to prevent moving or tampering.
- Your drop boxes must be monitored by a video surveillance system. Existing security systems on government property may be utilized for drop-box surveillance.
- Video surveillance footage must be retained for 30 days following the deadline to certify the election, or until the conclusion of any election contest, whichever is later; except where there is a potential violation of law where the surveillance could be used as evidence, then it must be retained through the statute of limitations or conclusion of judicial proceedings, whichever is later.
- Your locality's drop boxes should be well lit and have a clearly identified ballot insertion slot.
- Drop boxes should have signage clearly indicating that they are absentee ballot drop-boxes.
- Drop boxes should be designed to prevent overflow.
- If a drop-off location has multiple drop boxes, then each should be labeled with a unique identifier, such as a number, letter, or string of numbers and letters. That identifier will be used to describe the particular drop box for record keeping.
- All drop boxes must have an opening slot that is not large enough to allow ballots to be tampered with or removed. The opening slot should be designed to minimize the ability for liquid to be poured into the drop box or for rainwater to seep in.
- All drop boxes must be secured by a lock (e.g. padlock) or sealable with a tamper-evident seal. Only an elections officer, general registrar staff, or the general registrar or deputy registrar should have access to the keys and/or combination of the lock.
- The individuals retrieving ballots should wear a badge or other identifier that readily identifies them as a designated ballot retriever.
- The drop box must be clearly and visibly marked as an "Official Ballot Drop Box" in all languages required under the federal Voting Rights Act of 1965. This includes:
  1. Language stating that tampering with the drop box is a felony.
  2. A phone number connecting the voter to your office.
  3. A statement informing the public that no ballots will be accepted after 7:00 p.m. on Election Day, unless there are voters in line or the time for the closing of the polls has been extended by a court order.



#### 7.7.9.6.2 Physical Security Requirements for Staffed Drop-off Locations

- Staffed locations do not need to use a drop box, and instead may have ballots placed into either 1) a container placed behind a counter; or 2) a portable container that can be transported to a curbside or mobile voting area.
- However, these containers **must be monitored at all times and may not leave the possession of the drop-off location staff while in operation.**
- At least one staff member must monitor the drop-off location at all times.
- These individuals should be officers of election representing the two major parties, when practicable, or two employees from the office of the general registrar. Registrars and deputy registrars may also staff drop-off locations.
- To secure ballots, these individuals must use a container that can be locked or sealed
- Once the drop-off location is not in use, any mobile containers must be placed in an area that is inaccessible to the public and/or otherwise safeguarded from tampering during the hours not in use.

#### 7.7.9.7 Chain of Custody Requirements

Under the new law, absentee ballots shall be collected from each drop-off location at least daily, by two officers of election representing the two major political parties, when practicable, or by two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or a deputy may collect the absentee ballots.

Your officers of election or employees should follow the instructions below to collect ballots from drop-off locations:

##### *Before Election Day*

1. The officers of election or employees will remove the ballots from the drop-off location and place them in a secure container.
2. That container will be sealed or locked by the officers of election or employees with their signatures, the date, and a record of the number of ballots that have been secured in the container.
3. The sealed or locked container shall be immediately transported to the general's registrar office by the officers of election or employees who collect the ballots.
4. At the general registrar's office, these ballots shall be processed following the procedures in § 24.2-709.1 and § 24.2-711 of the Code of Virginia.

##### *On Election Day*

1. Follow steps 1 and 2 above.



2. The sealed or locked container shall be immediately transported to the general's registrar office OR the central absentee precinct by the officers of election or employees who collect the ballots.
3. At each polling place, and each drop-box, the two mandatory officers of election or employees *must* be at the drop-off location at 7 pm to collect the final cast ballots. Any person in line to drop-off their ballot at 7 pm is allowed to do so.
4. Please note that all drop-off ballots should be logged into VERIS as "Mail/Non USPS" when choosing the return method from mail, in person, or other. These ballots do not need to be counted on Election Night but must be counted as soon as possible in the following days.
5. Use the form "[Ballot Collection from Drop-Off Location \(ELECT-C1289\(B6\)\)](#)" to keep a record of the ballot collection process. **Keeping a record of chain of custody using this form is mandatory.**

#### 7.7.9.8 *Notice Requirements for Drop-Off Locations*

- You must post notice of each drop-off location in the general registrar's office.
- You must post notice of each drop-off location on the official website of your county or city.

These notices shall remain posted for the duration of the period during which absentee ballots may be returned; through **the Saturday before Election Day, or as long as your drop-off locations (including drop boxes) remain open, whichever is later.**

#### 7.7.9.9 *Recordkeeping Requirements*

Your office should create and retain a record each time ballots are collected from a drop-off location, using the "**Ballot Collection from Drop-off Locations**" form. You may store either physical copies of these records or electronic copies. Records should be retained for at least 18 months after the date of the election.

#### 7.7.9.10 *Ballot Returned to Drop-Off with no Outer Envelope*

**For drop-boxes:** If you receive a ballot with no outer envelope but a complete Envelope B, you should accept the ballot and process it normally. If Envelope B contains material errors or omissions, follow the cure process outlined in ELECT's Official Guidance Absentee Cure Process.

**For staffed drop-off locations:** If a voter attempts to return their ballot without the outer envelope, and you notice before they have tendered the ballot to you, then you may ask the voter to place the ballot in the outer envelope. If the voter does not have the outer envelope or does not wish to place the ballot in the outer envelope, then you should proceed to accept the ballot in sealed Envelope B.



#### 7.7.9.11 *Ballot Returned to Wrong Locality*

The absentee ballot instructions direct voters to use drop-off locations in their own locality. However, some voters may drop-off their ballots at other localities in-error. **To guarantee that all votes are counted, general registrars should take reasonable action to deliver these ballots to the correct GR's office.** If you receive a ballot that should have been delivered to a different locality, you should either hand-deliver the ballot or forward it to the correct office, depending on how practicable physical delivery is.

Take the following actions to handle these ballots:

- Create a system to record any ballots that were incorrectly delivered to your locality.
- As soon as possible, mail (or if practicable for a nearby locality) hand-deliver those ballots to the correct locality.

If delivered by hand, these ballots should not leave the possession of the GR, deputy general registrar, or registrar staff delivering the ballots until delivered to the correct office.

#### 7.7.9.12 *Emergency Considerations*

If a drop-box is suspected broken, tampered with, missing, or if chain-of-custody is unverifiable, the general registrar must investigate, document their findings, and report the incident to the Department of Elections, as appropriate. If there is any evidence of the above, the general registrar must also notify the Commonwealth's Attorney. If any ballots may have been affected, ELECT will instruct your locality to post notice of the issue and allow impacted voters to complete the gold emergency form and cast a new ballot.

Any video security surveillance recordings of a box that has been tampered with should be retained, and local law enforcement shall be contacted as soon as possible.

## 7.8 VOTING ABSENTEE IN-PERSON / EARLY VOTING

### 7.8.1 In General

All other rules for voting at a polling place apply to In-Person Absentee Voting at the general registrar's office, including voter identification with the voter allowed until Friday noon following the election to provide a copy of acceptable identification to the electoral board.<sup>178</sup>

- Voters may not be accompanied by anyone other than an authorized assistant or his/her child age 15 or younger;
- No political activity is permitted within 40 feet of the entrance of the polling place structure.<sup>179</sup>
- Please note that voters do NOT need to provide identification to drop-off ballots at drop-off locations.<sup>180</sup>

<sup>178</sup> See Chapter 13 Provisional Ballots.

<sup>179</sup> See Chapter 3 Precinct or Polling Place Requirements and Procedures (discussing polling places).

<sup>180</sup> See Code Virginia [§24.2-706](#).



- In person absentee voters may need to be offered a provisional ballot if, for example, the voter does not have ID or is not listed in VERIS and claims to have registered at the DMV.<sup>181</sup>

Virginia law prohibits persons registering to vote in person from also voting absentee in person at the same time; “an application that is completed in person at the same time that the applicant registers to vote [must] be held and processed no sooner than the fifth day after the date that the applicant registered to vote.”<sup>182</sup>



**EXCEPTION:** This **five-day waiting period does not apply to “covered” military and overseas voters voting absentee as defined in §24.2-452.**<sup>183</sup>

### 7.8.2 No Application is Required for Voting In-Person

**During the 2020 Legislative Session, the General Assembly removed the requirement for in-person absentee voters to complete an absentee ballot application in order to vote absentee.** Instead, any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote.



**NOTE:** An absentee ballot application is not required to vote in-person. However, when entering an in-person voter’s information into VERIS you will select the “IN-PERSON” application type to process this voter.

#### Establishing Ballot Drop-Off Locations

The general registrar shall establish ballot drop-off locations:

- At the office of the general registrar
- At each voter satellite office
- On Election Day, at each polling place in operation
- At any location within the county or city he deems necessary

#### 7.8.2.1 Procedures

In-Person absentee voting shall be available on the forty-fifth day prior to any election and shall continue until 5:00 pm on the Saturday immediately preceding the election.<sup>184</sup>

Pursuant to § [24.2-701.1](#), the electoral board or general registrar may also provide for absentee voting in person on Sundays.<sup>185</sup> The deadline to vote in person is close of business on the Saturday before the election.<sup>186</sup> Any registered voter may vote at the time that he offers to vote in-person absentee. The voter may choose to have ballot mailed, if mail application deadline has not passed.<sup>187</sup> If the voter’s address has changed, refer to Change of Address Section for examples.

<sup>181</sup> See Chapter 13 Provisional Ballots (discussing provisional voting).

<sup>182</sup> See the Code of Virginia [§24.2-701](#).

<sup>183</sup> See the Code of Virginia [§§24.2-452](#) and [24.2-701\(A\)](#).

<sup>184</sup> See the Code of Virginia [§24.2-701.1](#).

<sup>185</sup> See the Code of Virginia [§24.2-701.1](#).

<sup>186</sup> See the Code of Virginia [§§24.2-701.1](#).

<sup>187</sup> See the Code of Virginia [§24.2-419](#).



Take the following steps for in-person absentee voting:

- Ask the voter to provide their name and address. Ask the voter for *one* form of acceptable identification before the voter is allowed to vote. ID is for identifying the voter only.<sup>188</sup> If the voter does not have an acceptable form of ID, they can fill out and sign the ID Confirmation Form.
- Look up voter in VERIS to determine if the voter is registered in your locality and at the address they have provided.<sup>189</sup>
- Check for Military, Overseas, Verify ID, Vote in Person flags.
- Check Absentee History for any absentee application already on file.
- If there is no current absentee application on file, enter the absentee information and process the voter.
  - Refer to VERIS Step-by-Steps for detailed processing instructions.
- If there is an application on file, see sections dealing with Voter Listed as Absentee, military and overseas voters.
- Complete the In-Person information for “On Machine” or “Marked” in VERIS.
- If voter requests assistance, be sure to check the “Assistance Requested” box in VERIS.
- The voter is now ready to use the voting equipment or a paper ballot. See next two sections for details.
- Just like on Election Day, if the voter is in line to vote in-person absentee when the General Registrar’s office (or other location used for absentee voting) closes, the voter must be allowed to vote.

Note: In the case of a special election, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election for there to be 45 days of absentee voting, absentee voting in person shall be available as soon as possible after the issuance of the writ.

### 7.8.3 Voting Machines Used for Absentee Voting

- Follow the proper control procedures established for the equipment used in your locality.
- Provide the voter with a private place to vote.
- Instruct the voter on how to use the voting machine.
- Be sure to enter the ballot in VERIS as follows:
  - Ballot issued = “In Person”
  - Ballot received = “In Person”
  - Ballot status = “On Machine”

### 7.8.4 Voter Listed as an Absentee Voter Comes to Vote in Person

#### 7.8.4.1 In General

A voter who has already been issued an absentee ballot might come to the general registrar’s office before Election Day, or to the Central Absentee Precinct (CAP) or regular

<sup>188</sup> See the Code of Virginia [§24.2-706](#); see also Chapter 17 Provisional Ballots for acceptable ID changes and provisional voting for lack of acceptable ID and other reasons.

<sup>189</sup> See Late Voter Registration (describing eligibility for late registration).



precinct polling place on Election Day. The action to take depends on the “Ballot Status” in VERIS and whether the voter has the absentee ballot in hand. The following can occur:

- Voter comes in with ballot already voted.
- Voter comes in with blank ballot.
- Voter comes in with or without a defaced ballot.
- Voter comes in without the ballot because it has been lost, defaced or not received.

To void a ballot, a general registrar or officer of election should mark the ballot as spoiled. Record the name, voter ID and precinct for all voided ballots on the *Statement of Results* or on a separate sheet to be attached to the *SOR*. “What If” **problem 19** addresses the absentee voter who appears on Election Day at the CAP or regular polling place.

- If the absentee voter surrenders a damaged ballot to the officer of election, the voter can vote normally.<sup>190</sup>
- If the absentee voter brings a voted ballot, he may ask the officer to void his absentee ballot and vote normally.<sup>191</sup>
- If the absentee voter has no ballot and lost or did not receive their ballot, they may complete the goldenrod form “Statement of Voter AB Ballot Not Received or Lost” available on Forms Warehouse. Voters sign this form subject to felony penalty for a false statement. If the voter completes the form, they may vote a regular absentee ballot. Otherwise, the voter may cast a provisional ballot. If the officer of election, general registrar or electoral board member can confirm return of the ballot unused or defaced before Election Day, then the voter may cast a regular absentee ballot.<sup>192</sup>
- If an absentee voter abandons his ballot at the polling place with no communication with an officer of election, the ballot should be rejected so that voter can be sent a notice.<sup>193</sup> This action can be noted on the *SOR*.

#### 7.8.4.2 *The Process in the Office Before Election Day*

- Voter brings a voted ballot to the office before Election Day:
  - Follow your office procedures for receiving voted ballots.
- Voter brings the unmarked and/or defaced ballot:
  - **Option A:** If unmarked, encourage voter to vote the ballot he/she has in hand. Offer to be the witness.
  - **Option B:** If the voter requests to vote on the machine proceed to the following:
    - Confirm ballot belongs to voter.
    - Look up the voter in VERIS.
    - Ballot status should be “Issued” for the current election.
    - Write VOID across the ballot envelope and place in Envelope 4.
    - Have the voter provide his name and residence address in the county or city in which he is offering to vote.
    - Process the voter as having a “new” *AB Application* in VERIS for an in-person/on machine voter. Please note that the voter himself does not need

<sup>190</sup> See the Code of Virginia [§24.2-708](#).

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*

<sup>193</sup> See the Code of Virginia [§24.2-709](#).



to complete an application to vote in person. However, you will select the “IN PERSON” application type in VERIS to process this voter.

- Add a comment in the “Status Change Reason” box that the voter returned the paper ballot “Unmarked.”
- Voter may now proceed to vote normally on equipment.
- Keep in mind that a ballot initially issued by mail in VERIS would be superseded by a ballot later issued in person/on machine.
- Voter does not bring the ballot (ballot was lost, not received or defaced)
  - Look up the voter in VERIS.
  - Ballot status should be “Issued” for the current election.
- If the ballot status is “Marked” or “On Machine,” the voter has already voted and cannot be reissued a second ballot.
- If the voter’s status is “Marked” or “On Machine” and the voter insists that he/she has not voted, a provisional ballot should be offered.
  - If the voter’s Ballot status is “Issued,” have the voter complete the *Statement of Voter* form (*Gold Form*, ELECT-708).
  - Maintain the *Gold Form* with your absentee records.
  - Process the application as “new” in VERIS for an in-person/on machine voter.
- Add a comment in the “Status Change Reason” box that the voter’s ballot was not received, was lost or was defaced and *Gold Form* was signed.
  - Voter may now proceed to vote a regular absentee ballot.
- Keep in mind that a ballot initially issued by mail in VERIS would be superseded by a ballot later issued in person/on machine.

## 7.9 CHANGE OF ADDRESS ISSUES FOR IN-PERSON VOTERS

### 7.9.1 In General

The action to be taken depends upon whether the books are open or closed. After the books close, the date the voter moved is key in determining whether the voter is qualified to vote in the election in which he/she offers to vote.

- “A person who is qualified to vote except for having moved his residence from one precinct to another within the Commonwealth may vote in the precinct from which he has moved [...] unless his registration has been transferred or cancelled as provided in” the Code of Virginia Chapter 4.<sup>194</sup>
- “A person may continue to vote in the precinct from which he has moved [for a limited period of time], provided that:
  - He has moved his residence from one precinct to another in the same registrar’s jurisdiction and the same congressional district;
  - He has failed to respond to the notice provided [...];
  - His registration has not been transferred or cancelled [...];

<sup>194</sup> See the Code of Virginia [§24.2-401](#).



- He has affirmed [...] his new address before an officer of election.”<sup>195</sup>

## 7.9.2 The Voter has Moved to a New Address within Your Locality

### 7.9.2.1 *Voter Offers to Vote before the Books Close*

- Ask the voter to fill out a Virginia Voter Registration Application and provide the new address.
- Change address in VERIS and process the *voter’s offer to vote* using the voter’s new address.

### 7.9.2.2 *Application Received after the Books Close*

- Ask the voter to fill out a Virginia Voter Registration Application and provide the new address.
- Do not change address in VERIS.
- If the voter meets the moving conditions, process the *voter’s offer to vote* using the old address.<sup>196</sup>
  - Keep a copy of the *Virginia Voter Registration Application* to make address change after the election.
- If the voter does not meet the moving conditions, the *offer to vote* must be denied for the current election.
  - Voter may not vote in person.
  - Enter the denial in VERIS and state the reason.
  - Keep a copy of the *Virginia Voter Registration Application* to make address change after the election.
- If voter is not eligible to vote at the old address and the voter says he has changed address by mail or at DMV, a provisional ballot may be offered.

## 7.9.3 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality

### 7.9.3.1 *Before the Books Close*

- Voter should complete the name and address portions of the *Virginia Voter Registration Application* for his/her new address or otherwise provide the relevant address change information.
- Process the voter registration in VERIS as a new registrant.
- Process the offer to vote in VERIS using the new address.

The voter is now ready to vote according to office procedures.

### 7.9.3.2 *After the Books Close*

- If eligible to vote in old locality under §24.2-401, offer the voter the option of going there to vote absentee.

<sup>195</sup> *Id.*

<sup>196</sup> See the Code of Virginia [§24.2-401](#) (describing the moving conditions).



- Have the voter complete a *Virginia Voter Registration Application* before he/she leaves your office to be processed after the election, or offer another means for the voter to change her address.
- If voter is not eligible to vote at the old locality and the voter says he/she has changed address by mail or at DMV, a provisional ballot may be offered.

#### 7.9.4 The Voter has Moved to a New Address in Another State

- The offer to vote should be denied and his/her voter registration cancelled.



**Exception** for Presidential elections only: “A person who is qualified to vote except for having moved his residence from the Commonwealth after the [30<sup>th</sup>] day preceding a presidential election may vote in the precinct from which he has moved only in that election and only for [the offices of President and Vice President].”<sup>197</sup>After the election, the voter’s registration must be cancelled in VERIS.

#### 7.9.5 The Voter has Moved to your Locality, but VERIS Flags a Warning that the Voter has been Issued a Ballot from his old Locality

##### 7.9.5.1 Application Received Before the Books Closed

- Begin processing the transfer.
- Warning message will appear in VERIS depending on “Ballot Status.”
- **Status = Issued**
  - Warning message will read “Warning: Active Absentee application in \_\_\_\_\_ County /City will be cancelled.”
  - Update the voter’s registration.
  - VERIS will automatically cancel/void any ballot in the old locality after the transfer is complete (the ballot cannot be counted in the old locality).
  - Create an “IN PERSON” application in VERIS to allow voter to vote in-person.
- **Status = Marked or On Machine**
  - Warning message will read “Warning: Voted ballot in \_\_\_\_\_ County/City.”
  - Voter cannot vote normally in new locality because ballot has already been cast. However, if the voter denies having voted, then a provisional ballot must be offered.
  - The *Vote by Mail Application* or in person record and the ballot from the old locality will remain unchanged as this voter has already cast his/her ballot.
  - *Do not* process the new *AB Application* in VERIS.
  - Voter should complete a new *Virginia Voter Registration Application* to be processed after the election or provide another method of address change.

##### 7.9.5.2 Application to Vote In-Person Received After the Books Close from Applicant not Eligible for Late Registration

Voter cannot vote in new locality because registration has closed until after the election. Advise voter he may return to vote in old locality if eligible under moved voter rules or provisionally. If voter insists eligible in new locality, offer a provisional ballot.

<sup>197</sup> See the Code of Virginia [§24.2-402](#).





## PART TWO: UNIFORMED, OVERSEAS CITIZEN VOTERS

### 7.10 VOTERS FLAGGED IN VERIS – UOCAVA

#### 7.10.1 In General

A UOCAVA flag is added to a voter's registration in VERIS in the following circumstances:

- A *Virginia Voter Registration Application* (VA-NVRA-1) is entered with a military or overseas mailing address and the UOCAVA flag is checked.
- A *Federal Post Card Application* (FPCA) is entered for registration and/or absentee ballot request.
- A *Federal Writ- In Absentee Ballot* (FWAB) is entered for registration and/or absentee application and voted ballot.
- A *Virginia Vote by Mail Application Form* (SBE 701/703.1) is entered as an absentee ballot request using a Military and Overseas Voter category.

A UOCAVA flag does not automatically mean an active ongoing absentee record is on file:

- If the FPCA or FWAB has expired and the voter has not updated his registration, the UOCAVA flag still shows.
- If an SBE 701/703.1 Vote by Mail Application Form is used, with a Military and Overseas Voter category, the UOCAVA flag is not automatically deleted after the election, even though the application is a one-time use only.

The UOCAVA flag is not automatically removed.

#### 7.10.2 UOCAVA Voter Comes to Vote Absentee in Person before Books Close

##### 7.10.2.1 UOCAVA, Federal Only Flags – Ballot not Issued

The voter should be asked “Have you returned to the U.S. permanently or separated from the Military?”

- If “yes,” do the following:
  - Have voter complete a new *Virginia Voter Registration Application* to update address or provide another means for the voter to update her address.
  - Update the voter's record in VERIS.
  - Be certain to remove the UOCAVA flag.
  - 
  - Allow the voter to vote routinely.
- If “no,” do the following:
  - Have voter provide name and registration address.
  - Have voter complete a new FPCA for future elections.
  - Voter may now proceed to vote routinely.

##### 7.10.2.2 Military, Overseas, Federal Only Flags – Ballot Issued

The voter should be asked “Have you returned to the U.S. permanently or separated from the Military?”

- If “yes” and the voter did *not* receive the ballot, do the following:



- Have the voter complete a new *Virginia Voter Registration* application to confirm address and other information provide another means for the voter to update her address.
- Be certain to remove the UOCAVA flag.
- Have voter complete the *Statement of Voter (Gold Form)* for the current election.
- Retain the *Gold Form* for your records.
- Update voter's registration in VERIS.
- Process the *voter* as "new" in VERIS for an in-person/on machine voter.
  - Add a comment in the "Status Change Reason" box that the voter's ballot was not received or was lost and *Gold Form* was signed.
- Voter may now proceed to vote routinely.
- Keep in mind that a ballot initially issued by mail in VERIS will be superseded by a ballot later issued in person/on machine.
- If "yes" and the voter has the ballot in hand, do the following:
  - **Option A:** If voter's residence address has *not* changed
    - Encourage voter to vote the ballot he/she has in hand. Offer to be the witness.
    - Have the voter complete a new *Virginia Voter Registration Application (VA-NVRA-1)* to confirm address and other information.
    - Be certain to remove the UOCAVA flag after the election.
  - **Option B:** If voter's residence *has* changed
    - Have the voter complete a new *Virginia Voter Registration (VA-NVRA-1)* application to update address and other information or provide another means for the voter to update her address.
    - Be certain to remove the UOCAVA flag.
    - Update the voter's registration in VERIS.
    - Confirm that the voter's voting districts are the same.
      - If they are the same
        - The voter may vote the ballot in hand.
      - If they are *not* the same
        - Write "VOID" across the ballot envelope and place in Envelope 4.
        - Process the voter as "New" in VERIS for an in-person/on machine voter.
        - Add a comment in the "Status Change Reason" box that the voter returned paper ballot "Unmarked" and has a new residence.
  - **Option C:** If the voter requests to vote on the machine and the voter's residence has *not* changed
    - Confirm ballot belongs to voter.
    - Inquire the voter in VERIS.
    - Ballot status should be "Issued" for the current election.
    - Write "VOID" across the ballot envelope and place in Envelope 4.
    - Have the voter confirm their name and address.
    - Process the voter as having a "New" "IN PERSON" application in VERIS for an in-person/on machine voter.
      - Add a comment in the "Status Change Reason" box that the voter returned paper ballot unmarked.



- Voter may now proceed to vote routinely.
- ❗ Keep in mind that a ballot initially issued by mail in VERIS will be superseded by a ballot later issued in person/on machine.
- If “no”
  - Choose the scenario best suited to the voter from the previous section above for the applicable action to be taken noting the following:
    - Do *not* update voter’s registration prior to voting.
    - No *Virginia Voter Registration Application* is needed.
  - Have the voter complete a new FPCA to request absentee ballots for future elections.
    - Process this FPCA *after* the election.

### 7.10.3 UOCAVA Voter Comes to Vote Absentee in Person after Books Close

For the applicable actions, determine which scenario is best suited to the voter from UOCAVA Voter Comes to Vote Absentee in Person before Books Close (§7.10.2) above. Follow those procedures while noting the following:

- Do not update voter’s registration until after the election unless eligible for late registration.
- A Federal Only voter is not eligible to vote in a Non-Federal election unless returning permanently and voter qualifies for late registration.
- Moving conditions apply to any voter that has changed *permanent* residence and not eligible for late registration.<sup>198</sup>
  - Apply moving conditions beginning with the day the voter returned to the U.S.
- Moving conditions may not apply in the following circumstances:
  - The voter has returned to the U.S. for a short term assignment.
  - The voter is in temporary housing waiting to move into his/her new permanent residence. The moving conditions will not begin until the voter has acquired the new permanent residence.

## 7.11 UOCAVA VOTERS’ LATE VOTER REGISTRATION (AFTER BOOKS CLOSE)

### 7.11.1 Eligibility

- “Any member of a uniformed service of the United States, as defined in §24.2-452, who is on active duty;”<sup>199</sup>
- “Any person who resides temporarily outside of the United States;”<sup>200</sup>
- “Any spouse or dependent residing with a person listed [above].”<sup>201</sup>
  - These individuals may apply by mail<sup>202</sup> or in-person.
  - Registration on the FPCA also serves as an absentee ballot application.<sup>203</sup>

<sup>198</sup> See the Code of Virginia [§24.2-420.1](#).

<sup>199</sup> See the Code of Virginia [§§24.2-419](#) and [24.2-201](#).

<sup>200</sup> *Id.*

<sup>201</sup> *Id.*

<sup>202</sup> See the Code of Virginia [§§24.2-419](#) and [24.2-201](#).

<sup>203</sup> See the Code of Virginia [§24.2-419](#).



- “Any person who was on active duty as a member of a uniformed service [...] and discharged from the uniformed service during the sixty days immediately preceding the election, and his spouse or dependent.”<sup>204</sup>
  - These individuals must apply in person to register late.
- Persons who, by reason of active duty or temporary overseas residence who are “normally absent from the city or county in which they reside or [...] have been absent from such city or county and returned to reside there during the twenty-eight days [...] preceding the election.”<sup>205</sup>
  - These individuals must apply in person to register late.

### 7.11.2 Date of Registration

Persons eligible for late voter registration may “be entitled to register in person up to and including the day of the election.”<sup>206</sup> They must be given a date of registration equal to the final day of registration.

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<sup>204</sup> See the Code of Virginia [§24.2-420.1](#).

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*



## PART THREE: ELECTION DAY

### 7.12 VOTER NEEDS ASSISTANCE AT CENTRAL ABSENTEE PRECINCT

For any voter who needs assistance with using the voting equipment or reading or understanding the ballot and/or voting procedures take the following steps:

- The voter and assistant must complete the *Request for Assistance* form (ELECT-649 (AB)).
- Follow the instructions on the form carefully.
- The voter may request assistance because of a physical disability or inability to read or write. “If [the voter] is unable to read and write or disabled for any cause other than blindness, [he or she] may designate an officer of election or some other person to assist [...] other than the voter’s employer or agent of that employer, or officer [...] of the voter’s union.”<sup>207</sup>
- A blind voter may “designate an officer of election or any other person to assist him.”<sup>208</sup>
- “In any precinct in which an electronic voting machine is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance [...] that such machine is available for him [or her] to use to vote in privacy without assistance.”<sup>209</sup> However, the voter is not required to use this equipment.
- For any voter who indicates that they have a visual impairment or print disability and indicates that they will require assistance on their application, the general registrar is required to offer and provide the applicant with the ballot marking tool with screen reader assistive technology.
- **Blind or sight-impaired voters do not have to sign the assistance form;** blind voter’s assistants must sign.<sup>210</sup>
- ““Neutral observers” or “authorized representatives” from the party/candidate at the polling place “**shall not be allowed** in any case to provide assistance to any voter [...] or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.”<sup>211</sup>
- If a voter requests that her ballot be translated and has not designated an individual to assist her take the following steps:
  - “An officer of election, before he assists as interpreter, [must] inquire of the representatives authorized to be present [...] whether they have a volunteer available who can interpret for the voter.”<sup>212</sup>
    - However, authorized representatives or volunteer interpreters often will not be present at absentee voting locations.
  - If available, only one interpreter from each party shall be allowed to listen to interpretation by the Officer of Election.<sup>213</sup>

<sup>207</sup> See the Code of Virginia [§24.2-649\(B\)](#).

<sup>208</sup> *Id.*

<sup>209</sup> See the Code of Virginia [§24.2-649\(E\)](#).

<sup>210</sup> See the Code of Virginia [§24.2-649\(B\)](#).

<sup>211</sup> See the Code of Virginia [§§24.2-604\(C\),\(I\)](#).

<sup>212</sup> See the Code of Virginia [§24.2-649\(C\)](#).

<sup>213</sup> *Id.*



- “The voter may designate one of the volunteer party or candidate interpreters to provide assistance.”<sup>214</sup>
- Whoever assists must be qualified to assist and must complete the necessary parts of *Request for Assistance* form.
- If voter denies assistance, he/she must cancel the request on the *Request for Assistance* form.

## 7.13 CURBSIDE VOTING ON ELECTION DAY AT THE CAP

The rules found in the Code of Virginia §24.2-649.1 apply to Election Day at the CAP. Any voter with a disability or who is age 65 or older is entitled to utilize curbside voting.<sup>215</sup> However, during a declared state of emergency related to a communicable disease, any voter, regardless of age or disability is entitled to utilize curbside voting.<sup>216</sup>

For additional information on curbside voting, see GREB Handbook Chapter 5.3.9.

### 7.13.1 Voting on Paper

#### 7.13.1.1 *The Packet*

- Prepare curbside voting materials in advance. The curbside voting packet should include:
  - The absentee ballot for the voter’s district sealed in Envelope A (Keep the ballots in Envelope A in a secure place until needed for the OP voter then join the ballot with the OP packet);
  - Voting instructions;
  - Envelope B;
  - Outside return envelope;
  - Ballot marking device (pen, pencil or special tool as needed; never use a highlighter);
  - Clipboard;
  - *Request for Assistance* form;
  - *Provisional ballot materials* (Envelopes, Notice to Voter, Officer of Election Instructions);<sup>217</sup>
  - “I Voted” sticker.

#### 7.13.1.2 *The Process*

- Perform a voter/absentee search in VERIS before going to the car if you have the voter’s information and write it on a piece of paper.
- Verify his/her identification. If no acceptable identification and the voter refuses to sign an ID Confirmation Statement, the voter can only vote provisionally.<sup>218</sup>

<sup>214</sup> *Id.*

<sup>215</sup> See the Code of Virginia [§24.2-649.1](#).

<sup>216</sup> See the Code of Virginia [§24.2-649.1](#); *Id.*

<sup>217</sup> See Chapter 13 Provisional Ballots.

<sup>218</sup> See Chapter 13 Provisional Ballots for details.



- Compare the information provided by the voter on the application with the information you have from VERIS. Be certain to check for any change of address.
  - If the voter is not eligible to vote, withhold the ballot and explain why he/she cannot vote.
  - Ask the voter to complete a new *Virginia Voter Registration Application* (VA-NVRA-1), if necessary, or use a copy of the *AB Application* (ELECT-701) for a change of address.
  - It may be appropriate to offer the voter a provisional ballot; *e.g.*, the voter's record is marked "Verify ID" in VERIS and the voter does not have the acceptable photo ID, or the voter is not listed in VERIS and voter says he/she registered at the DMV.<sup>219</sup>
- Once you have determined that the voter is eligible to vote in a locality and the application is completed, give the voter his/her ballot.
- Complete the *Request for Assistance* form, if needed, both voter and assistant sections.
- Allow "the voter [to] mark the printed ballot in a secret manner and, obscuring his [or her] vote," insert the ballot into Envelope B.<sup>220</sup>
- Assist the voter as needed.
- The person accompanying the ballot to the curb may be the assistant. Be sure that the voter signs and completes the *Statement of Voter* on Envelope B.
- Have the voter insert Envelope B into the return envelope.
- Give the voter his/her "I Voted" sticker.
- Return to the office immediately.
- Enter and approve the application in VERIS. This action adds the voter to the "Final Absentee Report" by VERIS.
- Mark the voter in VERIS as follows:
  - Ballot Status "Marked"
  - Ballot status reason is "Voted in Person – OP"
- Make a note in the "Approval Box" that the voter voted outside the poll.
- Complete the "Office Use Only" box at the top of the application.
- If you are keeping a pollbook for the Central Absentee Precinct, add the voter's name to the pollbook and mark "OP" beside his/her name.
- Deposit the ballot in a secure place.

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<sup>219</sup> See Chapter 13 Provisional Ballots (discussing provisional voting).

<sup>220</sup> See the Code of Virginia [§24.2-649\(A\)](#).



**Best Practice**

Obtain the voter's information from the voter by phone or from the person accompanying the voter to the absentee precinct. Write down the voter's full name, address and SSN as it appears in VERIS. Compare that information to the application that the voter completes in the car. If the voter's driver comes into the absentee precinct with the application completed, use that information to look up and verify the voter's information. Wait until you return to the office to enter the voter into VERIS. If the voter has moved, he/she may not be eligible to vote.

- If the voter is registered, send a new application to the voter with the letter generated by VERIS requesting the missing information. If the voter has provided a fax number or email, save time by faxing or emailing the letter and a new application.

If the voter is not registered, use one of the Department of Elections-provided templates or create your own to notify the voter.

## PART FOUR: PROCESSING ABSENTEE BALLOTS

### 7.14 RECEIPT OF MAILED VOTED BALLOTS

#### 7.14.1 In General

Voted absentee ballots may only be returned by mail, through a commercial delivery service, to a drop-off location, or in person by the vote.<sup>221</sup>

If returned in person, voted ballots must be returned to the general registrar before the closing of the polls on Election Day.<sup>222</sup> Drop-off ballots must be returned to a drop-off location before the close of polls on Election Day.<sup>223</sup> Ballots returned by mail must be postmarked on or before Election Day and received by noon on the third day after the election.<sup>224</sup> Any ballot found abandoned at the polling place must be rejected.

#### 7.14.2 Receipt of the Ballot – Marked or Unmarked

- Complete the office use only section on the top of the outer envelope.
- Slit open the outer envelope to determine whether the ballot was returned used or unused.
  - A ballot returned in Envelope A is *unused* with a ballot status of “Unmarked.” A ballot returned in this manner is subject to the absentee ballot cure process.
  - A ballot returned in Envelope B is *used* with a ballot status of “Marked” if the ballot has no material omissions or errors. If the ballot has a material omission or error, the ballot status is “unmarked” and the voter has an opportunity to cure

<sup>221</sup> See the Code of Virginia [§24.2-707](#).

<sup>222</sup> See the Code of Virginia [§24.2-709](#).

<sup>223</sup> See the Code of Virginia [§24.2-709](#).

<sup>224</sup> *Id.*



the ballot under the absentee ballot cure process. Review 1VAC20-70-20 for a list of material and immaterial omissions.

- A ballot returned as “UNDELIVERABLE” is *unused* with a ballot status of “Unmarked.”



**Do not open Envelope B (Marked Ballot). Do not separate.** Keep ballot contents with an outer return envelope.

- Perform an “Absentee Search” in VERIS and update the record by entering the date the ballot was received.
  - Enter the “Ballot Received by Method” and the “Ballot Status” to indicate whether the ballot was returned “Marked” or “Unmarked.”
  - Record undeliverable ballots as “Unmarked” with a comment noting “Undeliverable” in the ballot status reason box.
- Secure the ballots in an appropriate locked container or secured location.
- The “*Daily Absentee Ballots List*” will include all applicants whose records are updated with returned ballots.
  - Proof the report to assure all records are properly updated.



“A voter who has returned his unused ballot before the day of the election [is] entitled to vote a regular ballot in person on Election Day at his proper polling place or at a central absentee voter precinct.”<sup>225</sup>

### 7.14.3 Absentee Ballot Cure Process

The cure process applies to absentee ballots returned to the General Registrar up to four days prior to the date of the election. This means that a ballot is received by mail at the General Registrar’s office by that date or deposited at a drop-off location on or before four days before Election Day.

Follow the procedures below when you receive absentee ballot envelopes with an incomplete or incorrect voter affirmation or any error or failure that would render the ballot void by law.

- Set-aside any returned absentee ballot envelopes returned on or before the Saturday prior to the election that contain an error or failure that would render the ballot void.
- Within three days of receiving such an envelope, you are required to contact the voter either by phone, email, or in writing, and provide information to the voter as to how to correct the issue so that his ballot may be counted.
- Keep a record of each effort to contact a voter using the absentee cure log (found on forms warehouse). The record should contain the date and either the content of the message or, if you contact a voter by phone, a brief summary of the message or conversation.
- The voter is entitled to make the necessary correction any time before noon on the third day after Election Day.
- A corrected ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the Code of Virginia, if the voter is found to be entitled to vote.

<sup>225</sup> See the Code of Virginia [§24.2-708](#).



- Until the deadline to request an absentee ballot, when you contact a voter, you should provide the option for them to request a new ballot. If you issue a new ballot, then the first ballot shall be preserved with other spoiled absentee ballots.
- After the deadline to cure pursuant to §24.2-709.1 (B), let the voter know that it is past the date to issue a new ballot by mail.<sup>226</sup> Make the voter aware of the option to cure his envelope in person or to cast a new ballot in person. If the voter chooses to cast a new ballot in person, the first ballot shall be preserved with other spoiled absentee ballots.
- For voters whose completed ballots are missing the voter's signature, you may issue this affidavit (found on Forms Warehouse) rather than issuing a new ballot. A voter's signed, returned affidavit will act as the voter's signature for purposes of curing the voter's ballot. Please note that voters may return their affidavits electronically, following the instructions on the attached affidavit form.

#### 7.14.4 Witness Signature Requirement

##### 7.14.4.1 In General

Generally, the witness signature is required on an absentee ballot B envelope. Failure to provide a witness signature is a material omission. A ballot without a witness signature needs to go through the absentee ballot cure process before the ballot can be counted.

##### 7.14.4.2 State of Emergency

A voter's failure to have a witness sign the absentee ballot return envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render his ballot void.

#### 7.14.5 UOCAVA Voters with Ongoing Ballots

- If a ballot is returned as "UNDELIVERABLE," no other ballots shall be sent under that application.
- *Do not* expire the application until after the election is over because this action would cancel the ballot line and remove the voter from the "Final Absentee Report." The report should reflect the return of the "Unmarked/Undeliverable" ballot.



##### Best Practice

If a UOCAVA voter returns a ballot as unused in *Envelope A* and his ongoing AB application has not expired, ELECT recommends you to contact the voter to see if he will continue to need ballots for the remainder of the ongoing application. It could be that the voter has returned the ballot unused because he chose not to vote in that particular election or maybe he has returned from overseas or military duty and no longer requires absentee ballots.

<sup>226</sup> See Code of Virginia [§24.2-709.1](#) (B).



## 7.15 ISSUING REPLACEMENT BALLOTS

### 7.15.1 Ballot not Received or Lost (Statement of Voter Form (ELECT-708))”

#### 7.15.1.1 In General

- “If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot or loses the ballot, he [is] entitled to cast another ballot.”<sup>227</sup>
- The voter must complete the *Statement of Voter* form (ELECT-708).<sup>228</sup>
- The *Statement of Voter* can be completed and signed in-person, by mail, email attachment or fax. If time is short for sending the *Statement of Voter*, it may be included with the replacement ballot.
- If a replacement ballot is mailed with the *Statement of Voter* included, omission of that document may be material if the omission prevents determining eligibility;<sup>229</sup> provisional treatment may be needed if it cannot be determined whether the voter has already voted.<sup>230</sup>

#### 7.15.1.2 The Process

- The voter must attest to the following information on the *Statement of Voter* form:<sup>231</sup>
  - Full legal name.
  - A choice of ballot not received or ballot lost or defaced.
  - City or county of residence.
  - Current legal residence address.
  - Date of birth, if not yet 18 years of age.
  - Social Security number (last four (4) digits required unless voting in-person).
  - The voter *must* sign the form or request assistance.
  - Fill in the date signed.
- The Absentee Precinct staff must take the following steps:
  - Enter the precinct name and code.
  - Reissue the ballot in the manner requested by the voter.



#### Best Practice

Check the form for complete information and signature. Check the voter’s absentee record in VERIS to be sure a ballot has not been returned before reissuing a ballot. Send the replacement ballot by the voter’s chosen method; in person, by mail or by email or fax, if qualified. Follow VERIS Step-by-Step instructions for data entry. Attach the *Statement of Voter* to the *Vote by Mail application*.

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> See the Virginia Administrative Code [1VAC20-70-20](#).

<sup>230</sup> See the Code of Virginia [§24.2-651.1](#).

<sup>231</sup> See [ELECT-708](#).



## 7.15.2 Ballot not received or Lost by Disabled, Ill, or Pregnant Voter Designated Representative (Statement of Disabled, Ill, or Pregnant Voter Form (ELECT-703.2(1)))

### 7.15.2.1 In General

- An absentee voter who is disabled, ill or pregnant may request a replacement ballot and designate a representative to obtain the replacement ballot on his/her behalf using the *Statement of Disabled, Ill or Pregnant Voter* form (ELECT-703.2(1)).<sup>232</sup>
- If time allows for the routine replacement ballot process using the *Gold Form*, designating a representative may not be necessary.

### 7.15.2.2 Conditions for Using

“A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions:

- The voter who applied for an absentee ballot has a disability or illness.
- The application was approved and an absentee ballot mailed to the voter.
- The voter did not receive or has lost the absentee ballot on or before the Saturday before the election.”<sup>233</sup>

### 7.15.2.3 Deadlines

- “The voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before Election Day.”<sup>234</sup>
- The voter must “designate, in writing, a representative to obtain a replacement absentee ballot on his behalf [...] and to return the [...] ballot [...] no later than the close of polls on the day of election for which the absentee ballot is valid.”<sup>235</sup>

### 7.15.2.4 The Process

- “The voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before Election Day.”<sup>236</sup>
- The voter must then designate a representative to obtain the replacement absentee ballot on his/her behalf.<sup>237</sup>
- “The representative [must] be age eighteen or older and [must] not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.”<sup>238</sup>
- The voter and representative, if assistance is required, must complete the *Statement of Disabled, Ill or Pregnant Voter* form and sign to the following information:<sup>239</sup>
  - That the voter did not receive or has lost the requested ballot.<sup>240</sup>
  - That the voter is a citizen of the U.S. and is registered and qualified to vote in the city or county.

<sup>232</sup> See the Code of Virginia [§24.2-703.2](#).

<sup>233</sup> *Id.*

<sup>234</sup> See the Code of Virginia [§24.2-703.2](#).

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

<sup>239</sup> *Id.*

<sup>240</sup> *Id.*



- That the voter is a resident or qualified to vote under the allowable moving conditions.<sup>241</sup>
  - That the designated representative meets the age and other qualifications noted above.
  - The representative will receive the *Statement of Designated Representative* form (ELECT-703.2(2)) with the ballot that he/she must complete and sign stating that the instructions for the representative were followed.
  - If the voter needs assistance in marking his/her ballot, a *Request for Assistance* form (ELECT-649(AB)) will also be given to the representative with the ballot.
  - The voter and the representative must complete the *Request for Assistance* form.
  - The representative must return the properly completed ballot “no later than the close of polls on the day of election for which the absentee ballot is valid” along with the *Statement of Designated Representative* form and *Request for Assistance* form, if used.<sup>242</sup>
- Statements on the *Statement of Designated Representative* form and *Request for Assistance* form are subject to felony penalties for making false statements.<sup>243</sup>

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<sup>241</sup> See the Code of Virginia [§24.2-401](#).

<sup>242</sup> See the Code of Virginia [§24.2-703.2](#).

<sup>243</sup> See the Code of Virginia [§24.2-1016](#).



## 7.16 PROCESSING BALLOTS BEFORE ELECTION DAY – EXPEDITED PROCEDURES

### 7.16.1 In General

The general registrar is responsible for preprocessing absentee ballots before Election Day as needed. However, preprocessing becomes mandatory beginning on the seventh day immediately preceding the election.<sup>244</sup> Preprocessing extends to mailed ballots that are not optically scanned such as FWABs and ballots sent to the voter by email.<sup>245</sup>



#### Law Note

SB 960 (2017) codified the practice of **expedited counting** of absentee ballots returned by mail prior to Election Day, providing that **if** a general registrar has **opted to expedite** the counting of absentee ballots returned by mail by opening the sealed ballot envelopes, the requirement that the absentee ballot returned envelope and unopened ballot envelope be deposited into an appropriate container **does not apply**.

### 7.16.2 Preprocessing Requirements

The registrar may begin pre-processing returned absentee ballots at any time. However, the registrar *must* begin pre-processing absentee ballots beginning on the seventh day immediately preceding the election.<sup>246</sup>

To pre-process, the general registrar must either:

- open the sealed ballot envelope and insert the ballot in ballot scan counting equipment without initiating vote totals<sup>247</sup>; or
- open the sealed ballot envelope and deposit the ballot into a secured container that the general registrar has designated specifically for pre-processing.<sup>248</sup>

Additional requirements:

- At least two officers of election, one representing each political party, must be present during all hours when sealed ballot envelopes are opened for the purpose of pre-processing absentee ballots.

### 7.16.3 Administrative Steps

- Examine the Statement of Voter on Envelope B and note its completion.<sup>249</sup>

<sup>244</sup> See the Code of Virginia [§24.2-709.1\(B\)](#).

<sup>245</sup> See the Code of Virginia [§24.2-709.1](#).

<sup>246</sup> *Id.*

<sup>247</sup> *Id.*

<sup>248</sup> *Id.*

<sup>249</sup> See the Code of Virginia [§24.2-709.1](#).



- Mark the pollbook or the absentee applicant list that the voter has voted.<sup>250</sup>
  - Selecting the status of “Marked” in VERIS will automatically notate the Daily Absentee Ballot List that the ballot was returned marked.
  - You may also assign Pollbook Count Numbers to the *Final Absentee Report* or other similar report that indicates the voter has voted.
- If you are choosing to run the ballot through optical scan equipment, open the voted ballot envelopes (B) and insert the optical scan ballot into the tabulator without initiating any ballot count totals.<sup>251</sup>
  - See [Chapter 12 Central Absentee Precinct \(CAP\)](#) for requirements and procedures.



#### Regulation Note

**1VAC20-70-40: Alternative Processing Procedures for Absentee Ballots Returned Before Election Day.** 1VAC20-70-40 states requirements general registrars must take when expediting counting absentee ballots returned before Election Day. General registrars are to: ensure that the general registrar staff follow all previously prescribed instructions for processing and verifying absentee ballots (1VAC20-70-40(1)), secure all absentee ballots at the end of each day following principles of dual custody and chain of control (1VAC20-70-40(2)), ensure that the staff are following the requirements of 24.2-709.1 including the requirement that at least 2 officers of election (one from each party plus one) be present (1VAC20-70-40(3)), and give notice to the local political party chairs of the time and place for processing absentee ballots with sufficient time to allow these party representatives to be present (1VAC20-70-40(4)).

## 7.17 BALLOTS RETURNED AFTER POLLS HAVE CLOSED

### 7.17.1 Qualifications for Counting

Any ballot that is delivered by the voter to the General Registrar’s office must be received by the time the polls close on Election Day to be counted. However, ballots mailed or sent by an expedited delivery service are required to be postmarked on or before Election Day as long as the ballot is received by 12:00 pm, noon, on the third day after the election (Friday in most cases).<sup>252</sup> For the purposes of absentee voting, a postmark includes “any other official indicia of confirmation of mailing by the United States Postal Service or other postal or deliver service.”<sup>253</sup>

Some ballots mailed by voters may make it to the General Registrar with a missing or illegible postmark. These ballots should be processed according to regulation 1VAC20-70-20.

<sup>250</sup> *Id.*

<sup>251</sup> *Id.*

<sup>252</sup> See the Code of Virginia [§24.2-709\(B\)](#).

<sup>253</sup> *Id.*



## 7.18 UOCAVA BALLOTS RETURNED AFTER THE POLLS CLOSE

### 7.18.1 Qualifications for Counting

Absentee ballots from a UOCAVA voter received after the polls close on Election Day must be counted according to the procedures set forth in §§24.2-700 - 24.2-713 if all of the following circumstances are met:<sup>254</sup>

- The ballot was received after noon on the third day after Election Day, and;
- The ballot was “received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election”<sup>255</sup> and;
- The ballot was “requested on or before but not sent by the deadline for making absentee ballots available under §24.2-612”<sup>256</sup> and;
- The ballot was “cast by an absentee voter who is eligible for an absentee ballot under subdivision A 2 of §24.2-700.”<sup>257</sup>

### 7.18.2 Actions to be Taken

If any ballots meet all of the above criteria, the electoral board must immediately notify the Commissioner of Elections that qualifying late ballots have been received. If the electoral board has ascertained the results of the election and the absentee applications and provisional ballot materials have already been sent to the circuit court, permission from the Commissioner of Elections must be obtained to retrieve these materials, using the *Request to Inspect Sealed Election Materials* form (ELECT-659-669).

The qualified late ballots must be considered by the electoral board in a canvass according to the provisions of §24.2-671. Set this canvass after the time for receiving such ballots has passed. Notify the political party chairs and independent candidate(s) of the time, place and purpose of the meeting so they may attend.<sup>258</sup>

### 7.18.3 Procedure for Counting Late UOCAVA Ballots

Determine if any UOCAVA voters are entitled to vote and to have their late ballot counted.<sup>259</sup> Prepare a separate pollbook marked “Late UOCAVA Ballots.” Prepare an amended *Statement of Results*. Record the name of each voter in the pollbook whose ballot will be counted. Determine that the sealed envelope containing the ballot is properly completed and the oath is signed. Open the envelope to be sure that only one ballot or ballot set has been enclosed. Without looking at or disclosing how the ballot has been marked, place the ballot or ballot set in the ballot container. Repeat this process for all ballots to be counted. Count the ballots and certify on the *Statement of Results*.

<sup>254</sup> See the Code of Virginia [§24.2-709](#).

<sup>255</sup> *Id.*

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> See the Code of Virginia [§24.2-671](#).

<sup>259</sup> See the Code of Virginia [§24.2-709](#).



Prepare an amended abstract for each office that was changed by the counted ballots.<sup>260</sup> All electoral board members must certify the amended abstracts.<sup>261</sup> The electoral board secretary must prepare attested copies of the amended abstract(s). Submit a copy of the amended abstracts immediately to the Department of Elections as directed by the Department. Send a copy of the attested document(s) immediately by overnight delivery or hand deliver to the Department of Elections.

Distribute the remaining copies as directed by §24.2-675. Place the pollbook and one copy of the SOR in Envelope #2 labeled “Late UOCAVA Ballots” and send it to the circuit court for retention as provided in §24.2-668. Place the counted ballots considered by the electoral board in Envelope # 3 labeled “Late UOCAVA Ballots” and send it to the circuit court for retention as provided in §24.2-669 and 24.2-710. Within 90 days send written rejection notice to voter(s) whose ballot could not be counted.<sup>262</sup>



## VERIS Step by Steps

[Absentee Processing](#) explains in detail how to process absentee ballots and applications.

[Add-Update Voter](#) explains how to update and/or add a voter.

*For further assistance, contact [VERIS help](#)*

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<sup>260</sup> *Id.*

<sup>261</sup> *Id.*

<sup>262</sup> See the Code of Virginia [§24.2-711.1](#).





## VERIS Index

Use this index to find the VERIS related information in this chapter by clicking on the page number and section.

### Virginia Absentee Ballot Application (ELECT-701)

See [section 7.4.1.](#)

### How to Process the FCPA (Federal Post Card Application)

See [section 7.4.2.7](#)

Processing a properly Completed FCPA, see [section 7.4.2.10.](#)

Activating the Ongoing Application, see [section 7.4.2.13.](#)

### How to process the Federal Write-In Absentee Ballot (FWAB) Application

See [section 7.4.4.4.](#)

Activating Ongoing Applications, see [section 7.4.4.5.](#)

### Entering Into VERIS

See [section 7.4.5.9.](#)

### Procedures for Completing the Absentee Application for Voting In-Person

See [section 7.5.2.1.](#)

### Voters Flagged in VERIS- Military, Overseas or Fed Only (UOCAVA)

See [section 7.6.](#)

### How to process Accessible Absentee Voting

On paper, see [section 7.7.1.2.](#)

On the DRE, see [section 7.7.2.2.](#)

### Change of Address Issues for In-Person Voters

See [section 7.10.](#)

### Absentee Voting Reports

See [section 7.16.](#)



## APPENDIX A

## ABSENTEE REPORTS IN VERIS

The following chart may help in deciding which VERIS absentee reports to turn to produce first, the intended purpose and content of each report, and when it is to be used.

Name of Report	Recommended Order of use	What it is	When to use & when to Run	Helpful Tips
<b>Daily Absentee Applications List</b>	1 <sup>st</sup>	Contains list of absentee applicants processed, received or updated on a specified date or within a specified range (used to reconcile ballots with applications)	Daily	Use as a proofing tool
<b>Ongoing Absentee Applications List</b>	As needed	Contains list of Ongoing absentee applications processed as well as date & method application received, type, reason	Before you generate your ongoing and before setting ballot ready date	Use as a proofing tool
<b>Generated Ongoing Absentee Ballots list</b>	As needed	Contains list of ballots generated in the ongoing process. The list also contains the following: ballot sent method, application type, date, reason code, status change & returned date	After you generate your ongoing and before you set your ballot ready date.	Use as a reconciliation tool, to ensure that the ongoing applications eligible to vote in the selected election are listed
<b>Daily Absentee Ballots List</b>	2 <sup>nd</sup>	Contains list of absentee applicants processed as well as ballot types, ballot status, and returned date of ballots received or updated on a specified date or within a specified range (used to reconcile ballots with applications)	Daily	May also be used as a proofing tool
<b>Certificate of Mailing (COM)</b>	3 <sup>rd</sup>	Contains a list of absentee voters who were sent ballots. Additionally used as proof of mailing	Daily	Labels must be printed prior to running COM. This report should only be run once per day or names may be repeated on second COM
<b>Final Absentee Report</b>	As needed	Contains details on all absentee applications and ballots for the selected election	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced. Can be used as a reconciliation document



<b>Final Absentee Totals</b>	As needed	Contains the final absentee totals for the selected election (such as total count of applicants, unused ballots returned and marked ballots returned by precinct)	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced. A great report to reconcile totals with on a daily basis once mail out has begun
<b>Cumulative Control Totals</b>	As needed	Real-time statistics on all applications received, ballots sent (broken down by Ballot Sent By Method), and ballots received (broken down by Ballot Received by Method) by precinct for the selected Election	As needed	
<b>Public Absentee Applications List – Cumulative (with or without email add)</b>	As needed	Public inspection list of all absentee applications for an election	As needed	
<b>Issued Absentee Ballots List</b>	As needed	List of voters that have been issued an absentee ballot for a given date or date range. The report also lists the current status of the ballot (e.g., marked, on machine)	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced
<b>Absentee Email Labels</b>	As needed			
<b>Approved Absentee Applications list</b>	As needed	The report displays absentee applications that were approved for a specified election and locality		
<b>Absentee Application statistics</b>	As needed	Number of Absentee applications received within a specified date range.		
<b>Cancelled Absentee Applications due to transfer</b>	Once a week	Absentee applications that have been cancelled because they have been transferred		This is a cumulative list
<b>Deleted Ballots</b>	As needed	The report displays the names and addresses of voters whose absentee ballots for the specified election have been deleted		

Town absentee reports are separate and must be selected when having a town election.



## APPENDIX B

### FREQUENTLY ASKED ABSENTEE QUESTIONS

**1. When does a voter's FPCA expire?**

An FPCA expires on December 31 of the following year from the date received (§24.2-703). All applications received during this year (2018) will expire 12/31/2019. The applicant can also choose to specify an earlier date to end the standing request. **In the event that a second federal postcard application is received from the voter, any previous applications are considered superseded and the duration of the most recently received application will apply.**

**2. If a voter was born Overseas to US citizens can she vote? If so what is her classification and what address do we use?**

Yes, an adult born overseas to US citizens can vote. The classification is Federal Only unless the application notes that his/her parents are overseas for employment. Then the voter could qualify for a full ballot. The parents' last legal residence in the U.S. should be used. For more, see §24.2-456, which states that a voter who was born outside the United States to parents who were/are eligible to vote in Virginia must be assigned to the voting precinct of the address of the last place of residence in Virginia of the parent or legal guardian of the voter.

**3. Does a registration for an FPCA Federal Only application expire at the same time the absentee ballot application expires?**

No. Registration is now permanent. §24.2-442 used to require that a Fed Only voter's registration would expire at the end of the FPCA's term. This law was repealed in 2012 and replaced with the Uniformed Military and Overseas Voter's Act. §24.2-451.

**4. If on Item 2 the date of the election is not complete do I deny the AB application?**

Do not deny the AB application if the date of the election is missing. If your locality is holding a primary election when you receive the application, try to call or email the voter to determine the election they are applying for if they marked a primary and general election box. If the voter cannot be reached, process the application for the primary and send another AB application to the voter in July for the November Election. Applications received after the primaries but before the next General Election should be processed for the upcoming November Election (because applications can be received up to one year ahead of an Election.)

**5. Does the 5 day wait period apply to transfers of registration?**

No. Only applies to voters new to Virginia.

**6. If I get a DMV OAB in my hopper for an election we are not having, what do I do with the application? How do I get rid of it?**

VERIS will allow you to process the application as a "Denied-Not Eligible" for the election not being held.

**7. I have a voter that brings their ballot to my office during In Person absentee voting period. Do I allow them to vote that ballot? What are the procedures?**

Yes. Try to convince voter to vote the ballot they have in their hand. If voter insists on casting a ballot through the scanner, the issued absentee ballot must be rendered void and the voter must be given an opportunity to vote in person. Place the void ballot in Envelope #4. **Note:** Voter MAY NOT place a ballot received in the mail through the IN PERSON scanner at the registrar's office.

If voter did **not receive or lost their ballot**, they must sign the gold form. This applies only to In Person absentee voting (does not apply to precincts on Election Day). They would still be allowed to vote in-person. Note in comments "gold form signed" and best practice: attach gold form to new application.



- 8. I have a voter that brings their ballot to the precinct on Election Day; are they allowed to vote that ballot?**  
No, a ballot brought to the precinct is considered void (place in Envelope 4) and using EPB instructions per locality the voter may be unchecked as issued an AB ballot and allowed to vote on scanner and issued a ballot from precinct ballot supply.
- 9. I have a voter who comes to the polling place on Election Day. Their record is marked as voting Absentee in the pollbook but they do not have a ballot with them. Can they vote?**  
Voter must vote provisional, UNLESS it is determined the ballot was returned to the Registrar's office unused. For more, see What Ifs question 19.
- 10. When is a "mail" ballot considered cast?**  
An absentee voter who votes other than in person shall be deemed to have cast his ballot at the moment he personally delivers the ballot to the general registrar or electoral board or relinquishes control over the ballot to the U.S. Postal Service or other authorized carrier for returning the ballot as required by law. Virginia Administrative Code **VAC20-60-40 When Ballot Cast**
- 11. How many AB applications can I give to a voter requesting multiples?**  
There is not a specific limit; however, if a large number of applications are being requested, suggest giving them some training. There is a registration training available through Elect but not AB at this time. It would be acceptable for registrar to give training on proper completion of application. Requestor can also make copies of the application vs. registrar's office having to provide.

